

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**SNAPPER GROUPER COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 14-16, 2010**

**SUMMARY MINUTES**

**Snapper Grouper Committee:**

Mac Currin, Chairman  
Robert Boyles  
David Cupka  
George Geiger  
Ben Hartig  
Doug Haymans  
Tom Swatzel

Mark Robson, Vice Chair  
Dr. Roy Crabtree  
Dr. Brian Chevront  
Duane Harris  
Tom Burgesss  
Charlie Phillips  
Red Munden

**Council Members:**

Lt. Brandon Fischer  
Vince O'Shea

Dr. Wilson Laney

**Council Staff:**

Bob Mahood  
Mike Collins  
Rick DeVactor  
Kim Iverson  
Julie O'Dell  
Anna Martin  
Dr. Julie Neer

Gregg Waugh  
John Carmichael  
Myra Brouwer  
Kari Fenske  
Kate Quigley  
Roger Pugliese

**Observers/Participants:**

Nik Mehta  
Dr. Jack McGovern  
Dr. Marcel Reichart  
Monica Smit-Brunello  
Dr. Tom Jamir

Dr. Nick Farmer  
Dr. Carolyn Belcher  
Dr. Bonnie Ponwith  
Dr. Bob Shipp  
Rita Merritt

Additional Observers and Participants Attached

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Topaz Room of The Charleston Marriott Hotel, Charleston, South Carolina, Tuesday afternoon, September 14, 2010, and was called to order at 4:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: I call to order the Snapper Grouper Committee and welcome everyone. Thank you for being here timely. As all of you know, this is Rick's last meeting with us, and I just want to take this opportunity – and we'll have others – to thank him personally and on behalf of the committee as well for his attention to all of our business and the great amount of help that he has given to me and given to all the other snapper grouper committee members as well as the whole council. We will miss you but we look forward to working with Myra. We wish you well as you move forward in your career.

All right, our first order of business is to take a look at the agenda. Are there any suggested modifications to the agenda; if you will, as usual, allow me a small amount of latitude to move things around as time dictates and the staff requirements dictate? Without objection, the agenda will stand approved.

Also you have minutes from our last meeting. I also want to thank my co-chairman Mr. Robson from Florida for filling in for me at the last meeting. I understand from the minutes that Chairman Harris also shared some of that responsibility, so thank you both for looking after the snapper grouper business in my absence. Any corrections, additions or changes to the minutes? I see none; and without objection, then the minutes will stand approved. Our next agenda item, Kim is going to fill us in on Oculina Outreach.

MS. IVERSON: The outreach activities are featured in the Overview, and I just wanted to take a minute to bring to your attention that I participated in the National Marine Educators Association meeting in Gatlinburg, Tennessee. It was a great meeting; we were there for a week. Sylvia Spaulding with the Western Pacific Council and myself worked together to have a display on the councils' work on MPAs and managed areas.

We had information there featuring the Oculina Bank. We took the rack cards and distributed those to the marine educators that were there. We had approximately 350 marine educators from across the country. We also did a paper together on the councils, and we had about 15 people at the session, which felt relatively good.

We talked about the regional fishery management councils. I think many of you have seen the journal Current from the National Marine Educators Association that the councils collaborated with in order to highlight the work of the management councils back I believe it was at the end of last year, 2009, and that was part of our joint outreach projects for last year.

Hopefully, we'll be working jointly together in the coming year. In 2011 I think we're going to be talking more about collaboration and outreach efforts. The session that Sylvia Spaulding and I did together was well received. We had some Sea Grant representatives from the west coast of Florida that had a lot of good questions. We also had an opportunity at that meeting to interact with the representatives from the Smithsonian Marine Station down in Ft. Pierce, who were

actively working on their Oculina outreach efforts and continue to distribute the rack cards and information from our office and send people our way when they have questions on Oculina. I will be glad and answer questions. That is my report.

MR. CURRIN: Thank you, Kim. Questions for Kim? All right, our next agenda item is a report on the SSC meeting from Carolyn Belcher. This is Attachment 1.

DR. BELCHER: I guess I'm not really sure what my presentation is since we gave it this morning. John.

MR. CARMICHAEL: You gave your full report.

DR. BELCHER: Yes, are there any questions from anyone in the group? The report was given this morning during the Comprehensive Amendment discussion, so all that was covered at that point.

MR. CURRIN: And I was here and everybody else was as well. Are there any further questions for Carolyn? Is there anything anybody needs clarified while she is here regarding the SSC report? We'll get into the implications of all that as we go through the actions in the myriad of amendments that we have before us.

DR. McGOVERN: I have talked to Carolyn about this before. The SSC at this last meeting decided not to estimate OFL for wreckfish, sargassum, and the other two species as well. I was wondering what their position was on the previous data-poor control rule they had for the snapper grouper species.

DR. BELCHER: The general comment I had was given that the council had kind of nixed our April strawman, that we are basically falling back to that tiered approach as to what the recommendations would be as to how to look at some of those other snapper grouper species using the formats of the DCAC approaches, the DBSRA approach, and catch-only scenarios for species as they apply. Numbers specifically were not put forward but the framework is put forward as to how we should be looking at those species.

MR. CURRIN: And I think you indicated earlier as well, Carolyn, that you guys intended to take another look at wreckfish in particular and I presume the others, too.

MR. PHILLIPS: And just to kind of make sure that I'm semi on the same page is landings on the data-poor landings sometimes equaling OY – I'm hoping we're trying to work away from that especially when we've got areas like, say, the black sea bass landings that we're getting in South Florida now that should logically, even though you may not be able to prove it numerically, should let you know that there is possibly a lot – the landings could be a lot higher because there is such a limited amount of effort for places like that, and those things are being built into those rules.

DR. BELCHER: That's correct, and basically what is coming out of those tiers is the estimates of OFL and ABC, so MSY and OY will all be things that come out of the stock assessments if

they're able to be quantified. The landings themselves will be more related to OFL and ABC, more predominantly ABC when we only have catch series data.

MR. HARTIG: Carolyn, I'm not sure this is even appropriate for you; but to be clear in my mind is the SSC going to go back and review all of the species that they had already run through their control rule with the new control rule?

DR. BELCHER: Technically we didn't run species through the control rule. We gave the framework under which we would like to see the species – those values calculated. Since we had that one approach that we looked at in April tabled, the current framework that we developed at this August meeting would stand to apply to those species that need to have values calculated for them.

Some of the issues that we have run into as far as why the numerics aren't there is we don't have access to data because of confidentiality issues. There have been certain species – not a ton of them, but there are species that we can't even look at the landings specifically, so we can't exactly give a number in that situation. In discussions in the group – and like I said the same thing happened back in April – our understanding was we provided the framework which would then be applied to those suites of species and the landings data to determine those numbers.

MR. HARTIG: Maybe I'm not understanding it correctly; we are or we aren't going to revisit species that already have OFL numbers?

DR. BELCHER: Those species that we've provided them for because of the presence of a P-star analysis or because they've been assessed and the assessment isn't old or it doesn't – you know, we haven't had discussions about what information we can pull from those stock assessments; I mean, I think those values that we've given for things like mutton, black sea bass – I'm just kind of pulling a few that I remember specifically – those numbers are still standing. It is the ones where we're dealing with catch data and unassessed stocks; that is where that control rule will apply to get those numbers.

MR. HARTIG: Well, I was thinking specifically about something like Spanish mackerel where you had an assessment and you couldn't use the assessment because you didn't have a biomass estimate. There is some information that I have provided that may help you guys come to an alternate conclusion. Maybe there is some other information we may use.

Cobia is another one that I thought about that we specifically stated we didn't want you to start in a minus position. I can't remember what it was, but we didn't want you to start at zero. However, I can't remember how it was framed, but we wanted you to do it differently. If we're not going to revisit those, maybe the council can come up with a list of some species that we may want to have revisited and provide that to you in November.

MR. CURRIN: I think John has got some insight.

MR. CARMICHAEL: I'll try to at least specify where things stand as we see it. The SSC gave the proposed control rule for a lot of stocks for the data-poor stocks, and the council, at its last

meeting, raised some issues with that and procedural concerns and whatnot and sent it back to the SSC. They also sent, at the same time – you know, the council made a lot of preferred alternatives for OFLs, for ABCs and for a lot of other species.

The SSC was told what all of those were, what the council's actions were, the preferred alternatives the council chose at their last meeting and then also given the advice the council gave about reconsidering the control rule. The SSC did that and reconsidered the control rule and came up with an alternative data-poor control rule.

As far as the ABCs and the OFLs for many of the stocks they stand as the council left them in June, and there were a couple of species where the council remanded back to the SSC and said for various reasons we would like you to reconsider those, which the SSC did and addressed a number of stocks.

The SSC's viewpoint on this – and I think it is shared by Carolyn and I – certainly is that we now have a control rule for data-poor stocks that is on the table for the council along with the one for assessed stocks, and the council will adopt that through the ACL Amendment and then in the future the SSC will then be in the business of applying that. We recognize that the data-poor control rule now contains some need for analyses; things like a depletion-corrected average catch, the DBSRA approach or perhaps looking a trends.

The SSC is going to have to, at some point during next year, evaluate the stocks and see where each of the unassessed stocks falls within that hierarchy, and then they're going to have to make a request to the science center to conduct the different analyses. Then they'll get all those results and they'll determine what the ABC should be. Our thought is that this is an iterative process in that way. You have a lot of things on the table now for the initial run of the ACL Amendment, and we'll see other changes coming next year once you approve the plan and we actually have a control rule to apply.

MR. HARTIG: So basically what we have is what we get for most of the species we already have numbers for?

MR. CURRIN: I think, Ben, I know where you would like to go with this, and you indicated you were going to send your analysis or your comments to – you have sent them to the council members and I hope they'll be distributed to the members of the SSC and perhaps that they take a look at those; and in view your comments if they feel like a different approach could be warranted and/or might result in a different outcome. I guess at this point that's probably the best we could ask. John.

MR. CARMICHAEL: I looked at Ben's comments and I talked with him about it. I think the things that he raises are the types of issues the SSC would be interested in considering when they apply these control rules to these different stocks that haven't been assessed. It gets at understanding the trends and the data, understanding how you might interpret the data and which tier it may fall into. I think something like that is useful.

Now I know that recently in the Gulf of Mexico Region there was a bit of an informal workshop help amongst some of their SSC members and staff and science center staff to go through and look at trends and all the individual species that are managed, and I think we should look toward doing something like that in the South Atlantic, perhaps in a more formal framework and maybe bring in more fishermen like Ben to try and do that kind of thing.

We may not be able to do every stock in the next year, but maybe we can get into it by FMP or by portions of FMPs and start making progress on that. I think it would be helpful to the SSC to have benefit of the information that people like him have in terms of interpreting those landings' trends because we all know the reality of the landings' data and that there are a lot of things that affect what you actually observe. I think that's a good approach and if the council gives us some guidance on that, we would certainly take it very seriously.

MR. CURRIN: Okay, other comments or questions for Carolyn regarding the SSC Report? All right, thank you, and it sounds like there were a few questions that you were able to deal with and some issues. Our next agenda item can be found in Attachment 2, and I think Nick Farmer is going to come up and join us and present some of his analysis regarding alternatives or potential impacts on the closed areas in Amendment 17A as result of the – at least a methodology that we can use to adjust that if warranted by the SEDAR 24 results, which we will have before our December meeting.

If it's not apparent to everybody – I'm sure it is – as usual the Snapper Grouper Committee has a lot to accomplish in a very, very short period of time. I would ask that everybody consider that as we work through the rest of the afternoon and tomorrow and heed Council Member Geiger's advice regarding an approach which might be used to get some motions on the floor and then discuss them. Perhaps that would make us proceed a little more efficiently.

MR. GEIGER: While we're waiting for this to come up, I can take care of a piece of business that we'll have to take care of after this. If it's okay with you, I've got a motion. **My motion is to establish an AP of constituents to develop management schemes for the red snapper when the stock is deemed recovered to the point a fishery can be reinstated.**

We talked about this at the previous meetings that at some point this fishery is going to be recovered to a point where we can resume fishing for it, and we have no idea how we're going to manage that fishery when it occurs. We heard bandied about the prospects – and I'll wait for a second to continue the discussion?

MR. HARRIS: I'll second.

MR. CURRIN: I want to make sure we've got the motion captured and recorded correctly. We didn't have it on the board and I want you to be able to approve it. I think the gist of it was to establish an AP to deal with red snapper.

MR. GEIGER: Yes, an AP consisting of constituent groups to advise the council in developing or determining how we're going to manage this fishery when it reopens. We have heard bandied about in the past the potential that we could manage it with tags. There are different

methodologies that can be employed. Unless we're ready to move – some of them are time consuming in their development and implementation, and I think it's prudent now to begin developing how we're going to manage it and get all that groundwork done; so when it is opened, we can move into it immediately.

MR. CURRIN: Okay, I understand your motion and there was a second by Duane. Roy.

DR. CRABTREE: I think a lot of that is what is in Amendment 22 that we're going to go over at some point, I assume, during the committee meeting. It looks at tag programs and different ways to –

MR. GEIGER: And I understand it's in Amendment 22, but that has not provided us any input from the public. We have the opportunity now to have an AP to come in and provide us their input up front as opposed to going through agonizing task of developing our own alternatives and then having the public comment on them and come in with other alternatives later in the process. Why don't we invite the public in now to advise us in the development of those alternatives?

MR. BOYLES: **Mr. Chairman, motion to table until we get to Amendment 22.** I'm intrigued with the idea, but just to dispense with it motion to table until we get there in the discussion.

MR. CURRIN: Motion by Robert to table George's motion until we get to the discussion on Amendment 22. Is there a second? Second by Charlie. Any discussion? **Any objection to that motion? I see none;** I'll do my best, George, to remember to bring that out. I'm sure you won't forget as we move into Amendment 22. All right, Nick, are you ready to go?

DR. FARMER: Yes, we're all set. You all are pretty familiar with this model by this point. You've been seeing it for a little over a year in various permutations now. Basically, SEDAR 24 has a few changes that will probably need to be incorporated into this model prior to your December meeting, which I think that we can probably address through the regional office and through the science center.

A few of those may be relatively time consuming. First off, there is a pretty good chance probably we're going to want to update the years that are used within the model. Currently the model uses data going through 2007, which when we first started the process was pretty reasonable, but we're pretty far into it now and we probably are going to want to add 2008 and 2009 probably in there, which will require some substantial input from the science center and some reruns of some pretty complex programs that were used to kind of build the foundation for this modeling process.

We're also looking for a recommendation as to whether we needed to be looking at any form of harvest scenarios in this for red snapper. Currently this model assumes that there is no red snapper harvest occurring in South Atlantic jurisdictional waters. From what I've seen from the assessment runs, the projections I think assume no harvest for at least a year or two or maybe longer in there.

It's definitely easier in terms of the way the model is currently configured to assume no red snapper harvest, and that would eliminate the need to look into complicated analyses such as size limits, bag limits, slot limits, that sort of thing, which may be desired further on down the line. We're definitely open to your suggestions there.

We're going to need a new commercial trip elimination model, which I have already contacted the science center about, so that will be very time consuming. We've got to rerun some recreational trip elimination analyses as well. Those are the time-consuming steps. Some of the easier things to deal with would be the fact that SEDAR 24 had some different release mortality rates, and this is currently configured such that making that change is very easy.

We can also evaluate partial openings to the snapper grouper fishery in spatial closure areas. Currently we have three spatial closures selected here; between 98 and 240 feet – and you could go into this input area and say you wanted half of the month of June and half of the month of July open to fishing, so you can handle that and the model will accommodate that already, so that's an easy thing to examine.

We can also examine different spatial and bathymetric closure scenarios. It is already built in. Most of the things I think that you all are going to want to look at are already kind of frontloaded in the model, but we're definitely looking for some suggestions from the council as to different things that you're going to want to see based on the new assessment.

MR. CURRIN: Questions for Nick; and if none, then ideas on what we would like to see Nick try to incorporate into this model for use. I've got Charlie and then Ben.

MR. PHILLIPS: Nick, should they want to do spawning area closures that we've talked about, I'm guessing that you're going to need some coordinates for that to make that work.

DR. FARMER: I already have a bit of information already in here about those. We have information from the MARMAP survey regarding some spawning locations. We also have information that we've geo-rectified from the Moe 1963 Survey as to some spawning locations off of Florida. If you have further information on that, it certainly would be useful.

If that's something the council wants to look into, we can look into it. Now, I can tell you that one of the challenges that we faced is the spatial partitioning of removals. I don't know that we could ever get it to as fine of a scale as this. I think the model is already currently probably overreaching in terms of how it is spatially partitioning the red snapper stock. Certainly, we have identified these spawning locations.

They do correspond to the user-defined closure locations in the map, and you can pick bathymetries that you think are representative bathymetries of where spawning is occurring. I don't know that you could more finely partition it than that at least with this modeling tool. You could probably make assumptions based on expert knowledge that the red snapper removal is occurring between 98 and 240 feet and in a certain cell are primarily occurring within these particular locations in there, but I'm not sure exactly how you could use this model to get to that.

MR. PHILLIPS: So I guess what you're telling me is if we get some expert opinion from the fishermen that know where they are and they can tell us we think you're going to save that much, that we will have to kind of manually put that in the model somehow. Is that what I'm hearing you say?

DR. FARMER: Like I said, the spatial partitioning of effort based on the actual fishery statistical data that we have is extremely challenging. When you're familiar with how MRFSS especially reports data – and that is the vast majority of the red snapper removals, right – we've already made the assumption that the spatial distribution of the MRFSS landings is proportional to the headboat distribution of landings, many of which had to be kind of manually assigned because not all those are fully reported.

Then we went a further step and had to assume that it was bathymetrically distributed in all cases corresponding to a commercial logbook. We've made a lot of assumptions in leaps and bounds in terms of where these fish actually are within those grid cells, so I think stepping any further down that road would just be a case of supposition and expert judgment.

MR. CURRIN: Roy, did you have something to that point?

DR. CRABTREE: Well, not specifically to that point but to what we might look at.

MR. CURRIN: All right, I'll put you on the list here; I've got a couple of people ahead of you.

MR. HARTIG: Charlie's question is timely and I'll have to start with that first. Basically, the area red snapper spawning closures probably won't work for that species. They're a continental species and they're not exactly tied to the same exact places every year to spawn, so you're probably not going to want to do it that way. You're probably going to want to do a time closure.

If you could incorporate however many months of the closure we would have for that, that you could do a lot easier than trying to incorporate the area. I would encourage you do that. The other thing we had was we'd certainly like to see a lower size limit like 16 inches analyzed as far as release mortality goes. A number of the fish being caught now are in that size range between the 16- and the 20-inch range.

If the recreational and commercial fishery could keep those fish, we could probably get a lot less release mortality with that lower size limit. I think it would be nice to have that analyzed or maybe actually no minimum size limit. I don't know if you could run that also. That's all I have.

DR. FARMER: I guess to that point I can tell you definitely just based off of the runs right now that if you have any removals of red snapper – or landings, sorry, landings of red snapper, currently this is giving you the scenarios for no landings of red snapper; so if you start introducing landed catch into the equation even if – I mean, right now this thing, granted, is assuming 90 percent commercial release mortality; so if you keep the commercial fish, it really isn't that big of a difference.

My understanding is SEDAR 24 has actually changed that down to a lower level like 65 percent or so. So, if you start keeping those fish rather than getting that 35 percent return on the stock each time you throw it overboard, you're going to vastly probably increase the scale of the spatial closures that would be necessary to compensate for those removals. I guess one of the things I've been wondering about is, is it of interest to have a much larger spatial closure but allow people to keep red snapper; is the tradeoff worth it?

Maybe you could get away with a much larger spatial closure but for a limited amount of time during the year and have removals during other times of the year, but it seems like you're trading off there on some pretty substantial special closures. We've already seen the impacts in terms of the diminishing returns you get on expanding the spatial closure because there is kind of a very core area where the stock is distributed.

Then to get a few percentage points' reduction beyond that point, you have to greatly expand the closure that is required. It might be something where looking at scenarios with reduced size limits and that sort of thing would possibly be more proactive than beneficial as the stock recovers and as those projection scenarios reach points where the harvest is kind of more recommended. Now, it's certainly something we could look at if the council was interested, but I am concerned that it would require a much larger offset of spatial closure to compensate for it.

MR. HARTIG: And just a followup, those comments are really much more directed towards what we'd like to see in the assessment done. They're probably not as directed at this given the comments you just made, and I appreciate that.

MR. CURRIN: Yes, I think, Ben, as you are aware, there was some discussion of that in the last webinar and trying to incorporate that and the hesitancy on the part of the assessment people to start incorporating management measures into the assessment. With the direction of the council in consideration of Amendment 22, it would be very appropriate to provide some analysis of that and see how that impacted things. Duane.

MR. HARRIS: Ben made the point that I wanted to make with respect to spawning area closures. I think with the limited amount of data we have right now, I don't see how we can incorporate a spawning season closure into our management regime. I think maybe some time area closures we can do to approximate spawning season closures at some time in the future, but I don't think that's doable right now based on what you've told me.

DR. CRABTREE: What I think staff needs from us is a range of things to look at, because what I want them to go back and do is write an environmental assessment that looks at some alternatives. Then when we get the new stock assessment finished, they'll plug those numbers in, come in at December as close as we can get to ready to go on it so you can request some sort of rulemaking.

I think, at least from my personal perspective, what I'm most interested in is shrinking the closed area. It seems to me snapper is going to remain closed for another year or so. I'm kind of thinking of it two ways. One, we could say, okay, take the existing closed area that was set up in 17A and tell us what is the shortest amount of season it has to be closed to get us there.

Then the other alternative is to find the smallest closed area that could be closed year round and would get us there. That sort of seems to put the bookends on it. Then we could come in and talk about something in the middle if we wanted to, but we would have already looked at the range. That seems to me to be one way to come at this

MR. CURRIN: And I would agree with you. Other comments or other suggested approaches or things we would like to have Nick look at? Any other ideas about ways to approach this? I think everybody is in agreement that the first thing we want to try to do is reduce as much as possible or eliminate the closed areas.

And then after that I think you have capped the other end or identified the other end, Roy, and that is to see what sort of limited season might be available in a larger closed area. Do you want to suggest a larger closed area to look at or do you want to use as a basis the one that is identified in 17A?

DR. CRABTREE: I would say the one that we implement, assuming 17A is approved, so that is the closed area. Now, obviously, if things are better so it could open part of the year. That's what I was getting at. Then the other thing – and I guess John Carmichael would keep this in mind, but as we go through the SEDAR and generating the projections and with the SSC, I think it's critical that we come up with some more concrete projections on when we can reopen this fishery.

We really didn't do a very good job of answering that question with the last assessment because there were so many uncertainties. I think it is going to be critical after this assessment to be able to say, okay, we project that we can reopen this fishery at this point. I think the states are going to want to know, and we're just going to have to do that. I think that's something that we need to really focus the SSC and everyone on.

DR. FARMER: Well, one thing I had wondered about, just looking at the bathymetric mapping here relative to the closures, you can see that the 98-foot contour does miss seemingly 50 percent of the spawning areas. I was wondering if it would be worth looking into an alternative with a shorter but somewhat larger and spatial area, so, say, a 66 to 200 whatever foot closure that would only last during the spawning season.

We could do some kind of dynamic alternatives. I don't know; you know law enforcement probably wouldn't like it all that much, but during the spawning season itself you could have it go out to 66 feet and during other parts of the year it could be less cells and 98 feet as the starting point. We could make it more complicated and look into that sort of thing. Roy's suggestion is definitely much more streamlined, but I just was thinking because of the points raised about spawning, that might something that you might be interested in.

DR. CRABTREE: I think we're going to be under a lot of – there is going to be a lot of interest in moving something quickly at the December meeting. I think it needs to be simple and straightforward and get that done. Then if we want to do another look at something more complicated, we can take a little more time and try to do that, but I think for right now the focus ought to be something simple, straightforward and then – because, you know, we're likely going

to have to look at some other adjustments potentially to the rebuilding plan, and we could be a little more deliberative I think with that.

MR. CURRIN: I agree with you. David.

MR. CUPKA: That's what I was going to say; I agree, too. I think we could do some other things, but the more we do the more complex it's going to be and the longer it's going to take. I think we need to move ahead on this. I think the suggestions Roy has outlined will get us there; and then later on if we want to look at some other things, that's fine, but I think in the interest of time we need to move ahead with what we're looking at here.

MR. CURRIN: Yes, I agree. I think perhaps in 22 we can consider getting more innovative and complex and all that if that is the way we choose to go. It is not very appealing to me to get more complex in the management of these things. The only question I have for you, Nick, is – and you mentioned at the very beginning that there are some data needs and updating that or inputting the '08 and '09 data is going to be time consuming. What sort of timeframe are you looking at to accomplish that because I think that's a very important part of this, too?

DR. FARMER: I can say ideally what I'd like to do is have this model completely ready to go and reviewed by the science center again to the point that they're satisfied that we've also done due diligence and incorporated the new years appropriately for your December meeting. I'd like it to be ready to rock, and I'd prefer to have it done and ready for the briefing book.

Now, whether that is able to happen is going to be dependent on how difficult it is to get the data to fit the way that the model is structured. We've already been through it once so we're pretty efficient at it. I know that there were some issues in terms of assigning headboat and MRFSS landings previously.

I've heard that the headboat compliance has improved significantly since 2007, so I would expect it will be less challenging than it was before. We hopefully will be able to get there. I just spoke with the Economics Branch about the commercial model, and they indicated they should hopefully be able to get it done. It's an onerous task but we recognize that it's extremely high priority, so I can assure you we will be spending a lot of time on it.

MR. CURRIN: Do you save yourself any time or headache by just focusing on adding the '08 data, or is it just a matter of developing the process to incorporate that, and it's just as easy to add two years as it is one?

DR. FARMER: It's probably just about as easy to add two years.

MR. CURRIN: Well, we can just wish you Godspeed and know that you will do everything you can to get that in there. If you don't, then we know what we've got and we're familiar with it, but I know you going to work hard to – well, everybody will try to get the latest data into this thing, so good luck with it. Other questions or comments for Nick: is everybody satisfied with where we are? As far as direction I think and of the priorities of what we'd like to see done are pretty clear and provide a reasonable range as an approach.

All right, I guess the other thing we have to do regarding this is to look at Attachment 2, Rick, and think about the methodology and anticipation of some changes to management measures as a result of SEDAR 24 and how best and most efficiently and quickly to have those implemented. I think there is a table in Attachment 2 that staff has put together that outlines procedural vehicles to accomplish implementation of those changes should they be warranted and length of time involved in it and then the issues associated with those particular methodologies. David.

MR. CUPKA: Mr. Chairman, it looks to me like the regulatory amendment approach would be the way to go. I guess we could modify the closed areas in the framework and gear. What about time, if we were going to change the timing of the thing; is that covered under the framework as well?

MS. SMIT-BRUNELLO: I think so because that just is area closures, so I don't think there is a problem with that.

MR. CURRIN: It seems like that we have gotten advice that we can deal or mess with the time if we want to, the timing of those closures. David's suggestion is that we go the regulatory amendment route and do it through framework. George.

MR. GEIGER: Roy, is it safe to assume that we can assume that we can waive the 15-to-60 day comment period?

DR. CRABTREE: No.

MR. GEIGER: Who is going to object to it?

DR. CRABTREE: My colleague sitting next to me, I suspect. I would say you probably will not be able to waive the comment period. I haven't had much luck in waiving comment periods lately.

MR. GEIGER: Maybe you'll get comments back that we should have waived the comment period.

DR. CRABTREE: Well, that would be interesting.

MR. GEIGER: And opened it sooner.

DR. CRABTREE: Well, we could shorten the comment period down, but it's hard to waive comment periods.

MR. GEIGER: Well, under normal circumstances I would agree because you're probably dealing with a contentious issue. In this case everybody wants it reopened and we want it reopened as soon as practicable. Who would object?

MS. SMIT-BRUNELLO: Well, I think it would be difficult to waive the comment period. If it makes you feel any better, I think that the comment period is 15 to 45 days, though, with

frequently it's like a 30-day comment period for a framework amendment – a proposed rule. I believe that's probably realistically what you're looking at.

MR. BOYLES: I've had some conversations in the Coastal Zone Management Program in South Carolina. I know, Doug, in your case it's your same agency so I think you can get it to Spud probably relatively quickly. I'm guessing we could dispense with the 90-day CZMA referral. The question I've got, Monica, is can you give us some definitive guidance on – I mean, the difference between 15 and 45 days is still fairly considerable. What or who determines the length of the comment period?

MS. SMIT-BRUNELLO: Well, that's a great question, Robert. I would think if we need a shorter comment period, if we can make the case strongly that it's needed, we could try for the 15-day comment period. I don't think your state would have difficulty with the Coastal Zone Management Act time period. Your colleague sitting next to you, his state may have difficulty with shortening that time period; it just depends. There is a 90-day time period that is built in for the Coastal Zone Management Act, but the states can agree to a shorter time period.

DR. CRABTREE: But to that point, we could do the proposed rule and the comment period during that 90 days so they're not sequential.

MS. SMIT-BRUNELLO: Sure.

DR. CHEUVRONT: To that point, the only time that North Carolina seems to have a problem with it is when we have a problem with the regulations that are being proposed, and I can't see the state would have a problem with this.

MR. CURRIN: That's an interesting comment, but I know it's true. Robert.

DR. CHEUVRONT: It's true when we need more time to work it out.

MR. BOYLES: Roy, what does it look like us waiving – I mean, the formal waiving of the CZMA; is that a letter from the agency, from the CZM Program?

DR. CRABTREE: Well, we'll send a letter to you. I guess what we do is make a predetermination that we think it is consistent and then the state needs to write us back and say we agree or we don't agree or whatever. If you get our letter and wrote us – you could have your state send us back a letter the next day saying we agree and then we're done. If all of you state directors here will work on your counterparts in your CZMA Programs, we can turn that part of around I would think within 45 days or so easily. If we have to go out with a proposed rule and have a comment period, that shouldn't hold us up.

**MR. CUPKA: Mr. Chairman, I was going to make a motion that we utilize the regulatory amendment process to implement changes in Amendment 17A based on the results of the stock assessment.**

MR. CURRIN: We can do that by motion, David, if you'd like to. I just asked Rick a second ago whether he thought we needed a motion and he said he didn't think we did. The direction to staff on this as a way to proceed would be okay; but if you'd like to make that motion, I'll accept that motion. Duane has got a second.

MR. HARRIS: Since it's on the board, we might as well do it.

MR. ROBSON: I guess a question for Roy; how quickly can the states tell you that we're willing to either waive or speed up the CZMA Process on this issue?

DR. CRABTREE: You can immediately write us back. We'll write you and send you the rule and you can write us back immediately and give us your determination on it. I really don't think that's the problem here. I think what is going to take the time on this is just getting the rule written, getting it cleared it through General Counsel, having the comment period and responding to the comments and publish a rule. I think we can say who is going to object.

I think this rule has a high potential for litigation. Everything we've done with snapper has been litigated and I expect that's not going to stop. What happens is when you get a plaintiff who litigates, they challenge you on everything conceivable. They'll challenge you on waivers and all those kinds of things, so that's just the reality of things now.

DR. CHEUVRONT: Part of the problem sometimes why we have some delays in dealing with CZM issues are totally bureaucratic – I'm talking about in North Carolina – because they get sent to one agency. They have to process it. Then they send it to me for our snapper grouper stuff. I get a form I could check off and I agree with it okay and send it on; but then if I need to write a response, then it has to go back to the coastal zone management folks and then they have to edit it. That's part of the reason why it takes us so long. If we can get a heads up that this is coming, I can call my counterpart over in coastal management and say send this to me right away or give me a call and I'll drive across town and sign it right then and there.

DR. CRABTREE: Well, we can ensure that Jack or I call all of the state directors when we send the letter out and tell you it is coming.

MR. CURRIN: I think you can safely assume that it's coming.

DR. CRABTREE: If we have a 30-day comment period, this rulemaking will take 90 days to get done. After the council meeting, depending on what you decide you want to do, we've got to go back and write the rule and put the map and put all that together; and by the time we get to the Federal Register, it is going to take a little time and so I don't see the CZMA part of this as being a hangup. I think we can get that done.

MR. CURRIN: Monica, did you have a comment?

MS. SMIT-BRUNELLO: And I didn't mean to pick on North Carolina; I like North Carolina. The Coastal Zone Management Program part of the agency has shortened coastal zone time periods, too. We've worked together on that sort of thing. I don't know that it's actually the rule

necessarily that needs to be sent. If there is some sort of document, even the EA that we have together that explains what is going on, we can send that out. Something that shows what is going to be published, it is that kind of thing that will be sent out to the states; so the earlier we can that, the better off we are.

MR. CURRIN: Okay, we've got a motion and it has been duly seconded. **If there is no further discussion on that motion, is there any objection to the motion? I see none; that motion is approved.** Roy, I assume because you didn't raise another potential approach or better approach, that you're very comfortable with this as the best and shortest way for the council and the agency to accomplish it.

DR. CRABTREE: I think I am. I mean, we could talk about an emergency rule; but if you don't waive the period on an emergency rule, I don't think it is any faster. I think it poses more risk in terms of litigation, and an emergency rule is temporary so you're going to have to come back in and do it again. We can talk more as we see this develop with Monica about is there a quicker way to do it; but if we're going to have a public comment period, it seems to me a framework action is the best way to go.

MR. CUPKA: And that was part of the reason for my motion. It seemed to me that was the quickest way that we could get something in place without having to then turn around and immediately start a new rule because it's a temporary action.

MR. CURRIN: All right, thank you. Rick, what else on preparing for the results of SEDAR 24; does that take care of it? All right, I don't know that in five minutes we're going to be able to make much headway into Amendment 18, so why don't we recess snapper grouper until tomorrow at 8:30.

(Whereupon, the meeting was recessed at 5:10 o'clock p.m., September 14, 2010.)

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday morning, September 15, 2010, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Let's reconvene the Snapper Grouper Committee. Good morning to everyone. We'll jump right into Amendment 18 this morning and I'll turn it over to Kate to get us through this as quickly as we can.

MS. QUIGLEY: Okay, we're going to go through Amendment 18. It is Attachment 3, Chapter 2, PDF Page 37. First I'm just going to say a word about amendment timing. The original timing was to approve this amendment for public hearings at this meeting. We would hold public hearings in October and November and bring those comments back to the council in December and then the final approval in March.

If possible, we wanted to avoid delaying this amendment because otherwise we would have to hold public hearings in January/February. As many of you are aware, we're already doing

scoping and public hearings for a number of different amendments in January and February, so it would make it very difficult on staff to be able to cover Amendment 18, 21, 22 and the Comprehensive ACL, all of those things all at once in January/February.

We'll see what we can do, but it would be good if we could approve it for public hearings at this meeting just to space out some of the public hearing obligations that we have. I'm going to go through this document. I've got it up on the screen as well in a little bit more simplified form. Those things highlighted in yellow are changes that we need to discuss. The notes also indicate minor changes.

Some of the things in yellow and in italics are things that are being proposed by the IPT as additions to the document, so I'll go over those when we get there. First we have Action 1, extend Snapper Grouper FMU northward and we had a conversation at the last council meeting about what to do about permits for extension into that northern area.

To clarify their position, the Mid-Atlantic Fishery Management Council has sent in a letter – it's Attachment 4 – that makes very clear what their position. They prefer the Preferred Alternative 3 as it's worded right here, which is pretty much as it has been from the beginning. That is that the Mid-Atlantic Council would specify management measures to limit total mortality to the ACL and ACT specified for the area.

The South Atlantic Council would take a look at the ACL. They would allocate some portion to the Mid-Atlantic Council and some portion to the New England Council. The Mid-Atlantic Council and the New England Council would each specify management measures to limit to total mortality for their area.

What we have written here is the action specified by the Mid-Atlantic and New England Councils will not have to be reviewed or approved by the South Atlantic Council. However, NOAA Fisheries Service must ensure that the actions will keep total mortality at or below ACL and ACT specified for each council's area.

We had some conversations within the IPT about this and what does this wording really mean. What we did is we talked about what does this mean for permits and what does this mean for the protocol that we will go through. What does that mean that they will not have to reviewed or approved by the South Atlantic Council?

What you'll see is below this action, the IPT came up with an alternative way to structure this action, and that is to split it into three actions to make it very clear to the people who are writing the regulations what is meant by this action. One idea is Action 1 is to extend Snapper Grouper FMU northward, have very simple language that simply says "extend management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic and New England Councils jurisdiction except for black sea bass, golden tilefish and scup."

Then we would have an Action 2 that talks about permit requirements, and I think what we want is do not require a commercial snapper grouper permit in the northern extension. We put in parentheses here that South Atlantic regulations would need to be revised to provide an

exemption to the current permit requirement in the northern area. We would not require a permit in the northern extension. If the Mid-Atlantic Council and New England Council wanted to implement a permit, then they could do so.

Action 3 would be implementation of management measures protocol. I think what we would be looking at is something like – well, there are a bunch of different options here, but Alternative 2 is the South Atlantic Fishery Management Council will specify management measures to limit total mortality to the ACL specified for the entire South Atlantic jurisdiction, including the proposed northern expansion. That is not what we want from what I understand.

What we want is probably something closer to Alternative 3 which is the South Atlantic Council will specify management measures based on recommendations from the Mid-Atlantic Council and New England Council; or, the other alternative is Alternative 4; the Mid-Atlantic and New England Fishery Management Councils will specify management measures to limit to total mortality to the ACL specified for the Mid-Atlantic Region or the New England Region. We just need to figure out how exactly is this going to work. If they're going to make management measures, how does that get into the regulations?

MR. CURRIN: Thoughts, ideas. George.

MR. GEIGER: Kate, if we expand this management unit up into New England, would we then offer them a seat on our Snapper Grouper Committee; the New England Council, that is? We already have representation from the Mid-Atlantic. Would that then entail representation from the New England Council for our Snapper Grouper Committee?

MS. QUIGLEY: I don't know. I think if you wanted that, you could provide that. Maybe Monica could address that.

MS. SMIT-BRUNELLO: I think that would be up to the council. You would have to talk to New England. Well, you wouldn't have to, but I would think this council would want to talk to New England to work that out. Kate brought up some of the points I was going to bring up, which was the IPT split these actions a little bit more so you could really consider each one, and it would give more direction to the public as well as the Fishery Service and everyone who was looking at this. I think splitting these out, depending on which alternative you choose, stays within the spirit of what the Mid-Atlantic I think is asking for.

MR. GEIGER: To that point, how much interaction have we had with the New England Council concerning these actions and how are we going to get this information out to the public in New England, because I assume we're now going to have to go all the way up into New England with this public hearing process.

MR. QUIGLEY: I'll be making a presentation to the New England Fishery Management Council September 30<sup>th</sup>. A little bit later this month I'll be making a presentation to them. If they would like a public hearing, I will make myself available to provide information and to conduct a public hearing in the New England Council Area. The Mid-Atlantic Council, we have

already held one public hearing in the Mid-Atlantic Council Jurisdiction. We will hold another if they would like that.

**MR. GEIGER: I would like to make a motion that we extend an invitation to the New England Council to occupy a seat on our Snapper Grouper Committee.**

MR. CURRIN: I've got no problem with that, but we need to I guess get to the point where we have extended the boundary up to New England first is probably more critical than –

MR. GEIGER: Well, okay.

MR. CURRIN: I'm fine with it and it makes sense and I think we'll get it done. You can dispense with it now if you'd like to.

**MR. GEIGER: Well, let me look at the motion; instead of extending a seat; let's extend an invitation to participate in future meetings.**

MR. CURRIN: We have for the Mid-Atlantic, but I'm sure we have for New England, but maybe we have. I can't recall.

DR. CHEUVRONT: I thought we did for the New England as well and we just didn't hear back from them.

MR. MAHOOD: I'm not sure; I'd have to check on that, Brian, but I think we should extend an invitation to have a member on the committee if they so choose to participate with us. I don't know if they're going to choose to participate with us or not. I think it would be a good idea, and then I can shoot a letter off to Paul to indicate that and to ensure that Kate gets a nice, warm reception up there. We have sent staff up there before and they didn't get a real warm reception.

MR. CURRIN: Well, we'll make sure. I'm Kate will receive a warm reception. All right, a motion by George to extend an invitation to the New England Fishery Management Council and the Mid-Atlantic – that's already been done, I believe – to participate in future South Atlantic meetings as a member of the Snapper Grouper Committee. Second by Duane. Discussion? **Any objection to that motion? I see none.** Duane.

MR. HARRIS: Let me just add to that. George's first question was what kind of meetings have we had with the New England and Mid-Atlantic Council. At every one of the CCC meetings over the last two years John Poppalardo and Rick Robins and Dave Cupka and I have been together and met and discussed this matter and this action. I thought we were on pretty firm footing with our previous action and then we made some changes that got us a little bit off footing, but I think we'll make this work. I think this is the right thing to do and I think they will be glad to have a representative on our committee. Thank you.

DR. CRABTREE: Well, I'm looking on Page 4-4 and 4-5, PDF Page 164 and 165 at the landings. The only thing I see show up are gray triggerfish, sheepshead and Atlantic spadefish recreationally, little blueline tile; and then commercially almost nothing shows up, sand tilefish –

DR. McGOVERN: They have a little bit of snowy.

DR. CRABTREE: I don't see any snowy.

DR. McGOVERN: There it is.

DR. CRABTREE: Seventy pounds of snowy. Some of the recreational species are ones that we've talked about taking out of the plan to begin with. I guess my feeling on this is we're making a big issue where there isn't one, and I'm not convinced there is any real need to do this. It seems to me the landings are negligible up there.

I guess my question is why wouldn't it be just as efficient to keep talking to the state of Virginia. I think all these landings practically are probably in Virginia. This seems to have all been a result of snowy grouper and landings off Virginia, yet there are no snowy grouper landings that show up in any of the surveys that we have. I don't know; I guess I'm not completely convinced that this is worth all the problems it has created.

MR. CURRIN: Well, I think what Roy what Roy just expressed was the initial reaction of the council when this whole issue came up to begin with; why do we need to do this? For a number of reasons I guess, because we are under the Act of having to account for the mortality of – and it's bigger than snowy grouper. It's blueline tilefish as well.

The websites are full of pictures of maybe the same fish, I don't know, but there is considerable effort up there. It's easy to understand how they might not be captured in the landings because MRFSS in North Carolina, where I know they're caught as well, doesn't capture many snowy groupers or blueline tilefish recreationally, but we know there are landings there.

The attempt by the council I think is to make sure those landings are considered in whatever quotas that we set here for our fishermen. If these landings all of a sudden pop up either in the commercial industry or start showing up in MRFSS, then that is going to impact and reduce the quotas available to the fishermen in the South Atlantic Council.

Certainly, it would be easier if we can eliminate this action and let them deal with it, but I've got a feeling that the creature is going to raise its head again sometime in the near future. From my perspective, this is an attempt to get out ahead of it so we're not behind the eight ball again on another issue. Other thoughts? Tom.

MR. BURGESS: Didn't this come about by concerns about a growing industry up there from fishermen in the northern part of our council? They were really concerned about it.

MR. CURRIN: Yes, it did arise from that exact issue. There were reports and pictures on the website of great big bluelines and great big snowy groupers, world records being set every couple of weeks up there. It is not a huge fishery from my understanding, but it does happen. It's way offshore.

We don't have a good feel for what the total landings are, but the state of Virginia, as you recall, was concerned enough to reduce what previously was an unlimited bag limit on these fish to something that they considered at the time reasonable. I think it's seven blueline tiles and a couple of groupers; I forget exactly. Red probably knows or perhaps Brian.

MR. PHILLIPS: I kind of agree with where Roy comes from. It may be overkill and if we've got to deal with their council on we want to do something with blueline tile, but we've got to okay it with them or anything; and we've have got to interactions back and to, it could slow down what we want to do. If it's just a small amount of fish and it's not really going to hurt us, per se, it may be overkill to do this. It's just a thought.

MR. MUNDEN: Mr. Chairman, a couple of thoughts. Virginia has been proactive. They've put measures in place to control both the recreational and commercial fishery landings of snapper grouper species. I believe in my conversations with the representatives from New Jersey also indicate that New Jersey is moving in that same direction although the snapper grouper species are caught less frequently off New Jersey than they are off Virginia.

I think I can speak for the Mid-Atlantic and say we would certainly not be in opposition to this being deleted from Amendment 18, but the guidance we've had all along has been that the South Atlantic has to account for all sources of mortality, and that is the reason that we have gone along with the expansion of the management area up into the Mid-Atlantic area of jurisdiction.

So far as New England involvement, at all of the Mid-Atlantic Council meetings I give an update to the council on the South Atlantic Council meetings that I attend. New England has a liaison that attends the Mid-Atlantic Council meetings. However, usually my report is on the last day of the meeting and the New England liaison has already gone back up north, but they do get the minutes from our meetings and so the New England folks are aware of the actions that are being considered by the South Atlantic.

Quite frankly, they just don't seem to have a lot of interest in the snapper grouper fishery. I have had conversations with John Poppalardo, the chairman of the New England Council, and they say, "Yes, okay, it's not a real big issue for us." Anyway, we would support whatever the pleasure of the South Atlantic Council is.

If you want to delete it from Amendment 18, that would be fine. I think we have measures in place to control the harvest of snapper grouper species. We're certainly well aware of the fact that it would not take long to fish out those stocks based on the experiences that we have had in North Carolina on some of our reefs. We're open for suggestions.

MR. CURRIN: All right, what are we going to do? Personally it concerns me that we would not move forward with this. If that's the desire of the committee and the council, then we can eliminate this action from Amendment 18, but my biggest fear is that within 12 to 24 months we're going to see or feel some need to address this issue somewhere down the road. We're pretty far along with it right now, and to me the time to strike is when the iron is hot. Roy, do you feel strongly that this is –

DR. CRABTREE: No, and I'm not trying to derail this, and I'm going to leave it up to you guys. It's just the problem we've got is we're worried they're going to fish out these fish in Norfolk Canyon, I guess, of snowies and things and yet we have no idea of what is being landed. I'm just not clear other than just shutting fishery down how we're going to be able to manage.

It's hard to manage a fishery when you don't know what is landed or really have any information on it. I'm afraid we're going to be in a similar position in two years, whatever, that we've got a problem up there, we think, but we don't have any information to allow us to figure out what to do with it. If you guys want to go ahead with this, that's fine, I don't want to derail it, but it's just a real problem to try and manage a fishery that you only know about through reports of record fish and anecdotal kinds of things, and we don't really have anything to base decisions on.

MR. CURRIN: What is your pleasure here? Wilson and then David.

DR. LANEY: Well, I'm not on your committee, Mr. Chairman, but I thought we at least would have commercial data from the Virginia trip ticket system for these species. I don't know; I'll defer to Jack on that, but I thought there would be those data at least. I think Roy is correct on the recreational side, but on the commercial side we should have some information.

MR. CURRIN: Well, it's in the document on PDF Page 165, the landings that we have, and they're small. Roy.

DR. CRABTREE: If you look at PDF Page 165, there are commercial landings. There are 70 pounds of snowy grouper. There is 2,300 pounds of unclassified snapper; that was in 2004. There is not much there in terms of landings.

MR. CUPKA: I was going to say I kind of feel the same way you do, Mac, this is an opportunity to get out in front. The councils aren't fighting it. I know we've got a lot we need to do, but still I think we're required to manage these species throughout their range; and if their range extends beyond our jurisdiction, then I think there ought to be some consideration of that and some attempt to try and manage the entire stock; albeit it's not very large, but who is to say it won't grow. I think since the Mid-Atlantic Council is willing to go along with it, that maybe we ought to proceed along those lines.

MR. CURRIN: All right, we've got the actions here. We've got preferreds in there. Unless somebody wants to make a motion to delete this whole action from Amendment 18, we're going to go ahead through it and see if we can sort out and reconcile the problems with the permits that the Mid-Atlantic Council has. Is that desire of the committee?

MR. HARRIS: Yes.

MR. CURRIN: Okay, Kate.

MS. QUIGLEY: I guess what we need from you at this time, if we're going to split out this action – and I want to make sure that we have the right alternatives – I think we should go through them one by one. If you go along with what the IPT is proposing, the first action would

now be extend Snapper Grouper FMU northward. Alternative 1, no action; Alternative 2, extend the management boundaries for all species in the Snapper Grouper FMU northward to include the Mid-Atlantic Council jurisdiction; Preferred Alternative 3, the same wording, but northward to include the Mid-Atlantic and New England Councils jurisdiction, and that would be the preferred. I don't think there is any question with regard to those.

Then we've got Action 2, permit requirements for northern extension. Alternative 1 is no action; Alternative 2, do not require a commercial snapper grouper permit in the northern extension. And then in parentheses so that people know what our intent is, "South Atlantic regulations would need to be revised to provide an exemption in the northern area to the current permit requirement."

As it is right now, as the regulations are written right now, it would simply require a federal snapper grouper permit in those northern areas unless we alter the regulation, and I don't think that's a big deal. I think that's what is preferred by the Mid-Atlantic Council. Alternative 3 is create a new commercial snapper grouper permit for the northern extension. This permit would be issued by the Southeast Regional Office but apply to fishermen in the northern extension only. I think what the preferred would be is Alternative 2, but I need to check with the committee to see if that's true.

MR. CURRIN: Red.

MR. MUNDEN: Yes, in my conversations with Rick Robins, chairman of the Mid-Atlantic Council, we would prefer the option which would not require a permit from the Mid-Atlantic area. If indeed it was determined that a permit was necessary, we feel like that permit should be issued by the Northeast Region rather than the Southeast Region. That's the council's position on that. Now the Northeast Region hasn't signed off on it, but they haven't said they will not take that on, either.

MR. HARRIS: **Mr. Chairman, I would move Alternative 2 under Action 2 be our preferred.**

MR. CUPKA: Second.

MR. CURRIN: Motion by Duane; second by David. Any discussion? Brian.

DR. CHEUVRONT: Just to clarify; isn't that Action 3?

MS. QUIGLEY: No, it would be the new Action 2. What we're proposing is that – okay, up on the screen we've got this Action 1, which we've had for a very long time. What the IPT is proposing is to replace Action 1 with a new, in italics, Action 1 and a new Action 2 and a new Action 3.

MR. CURRIN: Maybe we should make sure everybody is okay with the suggestion from the team to replace the current Action 1 with the highlighted series of actions under that. Monica.

MS. SMIT-BRUNELLO: I think for NEPA purposes as well, it makes much more sense to split out that big kitchen sink action that has been carried through the various drafts of this and really set it out into at least three separate actions – maybe we'll need four, but who knows – because there are more reasonable alternatives or more ways to get to where you want to go or that could be different alternatives you could use.

I think these actions, by splitting them out, just is a better way to go, and it makes you also think about various other things, for example, I'm going to bring up, so keep this in the back of your head; what management measures do you want to apply to this northern extension? If there is not some limiting action in here by the council, bag limits, size limits, trip limits, those sorts of things, I would think would apply to the entire area, the northern area and the southern unless you put some limits on that like you're doing with permits. Just keep that in the back of your mind, but I think this kind of forces you into really thinking more along the lines of, all right, what is it we want and what is it we don't want.

DR. CRABTREE: So if we don't require the snapper grouper permit up there – and I assume our recreational bag limits are going to apply up there, although it's not clear to me – I think that means all vessels would be subject to the recreational bag limits because in order to be exempted from the bag limits I think you have to have a snapper grouper permit. Is that what we're intending to do is have everybody subject to the recreational bag limits?

MR. CURRIN: I'm not sure that's the intent. I think as Kate indicated earlier we were planning to exempt them from the current permits and I assume perhaps some of those regulations that exist here now. My understanding from the Mid-Atlantic, what they would prefer is that we calculate whatever portion of the ACT they should have in the Mid-Atlantic and New England, and then they're going to deal with how to manage it and develop their own bag limits, size limits and trip limits.

DR. CRABTREE: I don't know what basis is there to calculate. I think you're going to give them zero; they have zero landings.

MR. CURRIN: Well, they're not zero. If you look at the landings in the table, the commercial landings – and the most recent ones we in the document right now are '06, which is potentially a problem, 2006 – and there are 2,900 pounds for bluelines in '04 or '06, '04 I think –

DR. CRABTREE: But for a lot of things like snowy, I think it likely will be zero as best I can tell.

MR. CURRIN: It's going to be real close.

DR. CRABTREE: The problem is I'm not sure what basis we have to give them an amount for an ACL; and then I think what they're giving for most of these species will be so small that I don't know how you could manage to it. That's really the problem. Aside from that, we need to figure out what we're going to do with the permit kind of thing because I think at least until something is changed in the regulations – if we don't require a snapper grouper permit up there

unless we specifically address it here, I think that means that all vessels would be subject to the bag limit.

I think, Monica, we put in – was it 15A or one of them that you had to have a snapper grouper permit in order to sell.

MS. SMIT-BRUNELLO: 15B.

DR. CRABTREE: 15B, snapper grouper, so I think what we would be doing, if we pass this, would mean everyone is restricted to the bag limit and no one is allowed to sell fish. I'm not sure if that's what we want to do or not.

MR. CURRIN: From my understanding, it's not what the Mid-Atlantic Council would like to see.

DR. CRABTREE: So we need to I think address here or that is what we're doing is my point; and if it's not what we want to do, then in this document we are going to have to address it and make clear what it is we're doing.

MR. CURRIN: Okay, point well taken. Ben.

MR. HARTIG: Just to follow up a little bit on that, I was just wondering about blueline tilefish, if we prohibit harvest of those in the South Atlantic under 17B, how are we going to allow them to harvest them in the Mid-Atlantic?

MR. CURRIN: I'm not sure they're prohibited under 17B. Well, there's a deepwater closure, but golden tiles are allowed to be fished for.

MR. HARTIG: No, you have species that you will not allow harvest on. Warsaw grouper, speckled hind and the rest of that group is not allowed to be harvested. That is my take on that. The closure, yes, it is a depth closure, but those species are also caught outside that area and the council is not going to allow those species to be kept outside of that area either. The de facto portion of that is we're not going to allow harvest. Warsaw, you've got an ACL of zero. Of course, maybe you may allow harvest of some bluelines if you get an ACL that allows you to, but you can't fish in the area where they live, so I don't know how you're going to harvest them.

MR. HARRIS: Red, having heard what the RA said, would you prefer or do you believe that the Mid-Atlantic Council would go along with Alternative 3 under Action 2 and create a northern management area permit for snapper grouper to be issued by the Southeast Regional Office; do you think they'd go along with that?

MR. MUNDEN: Based on my conversations with Rick Robins primarily and Jack Travelstead, I don't think that the Mid-Atlantic would go along with that. We would be opposed to the fishermen in the northern management area having to have a snapper grouper permit; and if for no other reason, it's a two-for-one exchange. It would be very costly for these fishermen to get the permits and probably no one would even bother getting them.

MR. HARRIS: But that means they would be fishing under the recreational bag limit, then. That's what I'm hearing. If that's not what we want, then we've got to change that alternative, it seems to me.

DR. CRABTREE: I think the way we're setting it up – if we don't require the permit, I think there is no commercial fishing allowed because I think the way the regulations are you have to have a snapper grouper permit to sell the fish.

MR. CURRIN: And as I understand that, Red, that's not a two-for-one trade that you would have to buy a South Atlantic permit. This is a new permit that would be issued for the northern region which would allow, so there is no premium, no two-for-one trade in.

DR. CRABTREE: Yes, but if I could just add, if you're talking about a new permit now I think you're putting a significant new action in here that is going to slow us down, because who qualifies, who gets it, all the conditions and rules. It's hard for me to see how you're going to say, all right, in the South Atlantic we're going to have limited entry and all of these things in place; but here in this little periphery of the range of these animals where we seem even more concerned that they're going to be fished out and gone, we're going to have an open access fishery or something like that.

It is hard for me to see how you justify being less restrictive in this northern part. It seems to me the fishery is more vulnerable there, and certainly the uncertainty is much greater up there. I think it's hard to build a logical record as to why you would be less restrictive there than you are in the heart of the range of the animals. When you talk about a new permit requirement, there is a lot of work and a lot of decisions you have to make about that.

MR. CURRIN: You're building a bigger and bigger case.

DR. CRABTREE: This is a really complicated thing and –

MR. CURRIN: I understand.

DR. CRABTREE: – it's easy to talk about it in abstract; but then when you start getting down to doing it, there is an awful lot of issues.

MR. CURRIN: And we had some of this conversation early on, Roy, and Gregg brought up a lot of it because of his understanding and our understanding that the South Atlantic Council was responsible for accounting for all the mortality of these species within our management unit because the Mid-Atlantic Council doesn't have a plan for snowy grouper and blueline tile.

That is what kicked this thing off. We have been down this road and now I'm kind of hearing that – which is what I felt to begin with – the best thing to do if we could legally is to just ignore it and let it happen. We don't have samples up that way. Landings were considered in our assessments, but they were so minor that they had no impact, but they're a rare-occurring species. They're a rare-occurring species in our landings in the southeast, at least in the recreational landings. Charlie.

MR. PHILLIPS: Just from what I'm hearing, it sounds like we might want to consider just the pros and cons of just letting it be a bag limit up there or backing away from it totally, but how bad would it be if we just let it be a bag limit up there? What would they say?

MR. CURRIN: Well, Brian just whispered that they wouldn't be able to sell them under the current regulation, so there would be some people that fish them commercially that would be upset by that, I'm sure.

MR. MUNDEN: I'm trying to put all this together, Mr. Chairman. This is not what the Mid-Atlantic Council envisioned relative to management of snapper grouper. Going back to Dr. Crabtree's statements at the beginning of this discussion like why are we even doing this, this is becoming more and more attractive to the Mid-Atlantic. I can say that without even talking to my chairman and the people who are involved in the fishery.

We never envisioned that the commercial fishermen would not be able to sell any snapper grouper species. That would be very problematic for the fishermen and it would result in regulatory discards. Again, I think that the Mid-Atlantic would be in favor of just saying don't extend the management unit north and we'll manage the fisheries up there. One option that we've kicked around is we do have a Golden Tilefish FMP, and that FMP could possibly be amended to include other species of snapper grouper.

MR. CURRIN: Boy, that's a good solution. I remember that was probably the most desirable option to this council was for you guys to develop a plan. I guess if we don't do something, then maybe – or don't do anything then you guys would have that option to incorporate bluelines and perhaps snowy groupers under your golden tile plan. Monica.

MS. SMIT-BRUNELLO: One thing you might want to consider perhaps – and it depends on the record you building, but I'm hearing a lot of uncertainty as to how many fish are in that northern area and what then a fishery could grow to or not grow to and all that. Would you think you could consider having an action or an alternative that would extend the management unit, but would not apply any of the current management measures to that northern management unit until you got more information? You could develop something like that. You have to take into account what Roy just said about fish perhaps being more vulnerable on the fringes, so you're going to have to figure that out.

Right now there isn't a fishery management plan that covers any of that area or those fish, so you would at least, by extending it, perhaps be getting more information somehow. I'm not quite sure and you'll have to figure that out when we get to reporting or anything, but perhaps you could build the record to extend it but not apply any management measures at this time.

MR. CURRIN: Well, if that would work out, that's certainly one approach. That would preclude the Mid-Atlantic from moving forward if they chose to with a plan to include those species in an existing plan or develop their own plan, I guess.

MS. SMIT-BRUNELLO: You may not want to preclude them from doing that, but then also you're going to have to figure out, well, if you're not going to apply any measures up there, then

just why are you extending the management unit. There are ways to build the record and talk about it. Maybe there is not sufficient justification, I'm not sure, but it's something for you all to think about.

MR. CURRIN: Well, my question to you, Roy, and Monica is how many years do you figure before we're going to be right – if we eliminate this action from Amendment 18 and just monitor what is going on up there, how long do you think it is going to be before we're right back here at the table trying to figure out how to incorporate and account for the landings of these two particular species? There is also wreckfish involved. They're starting to show up there on occasion. They don't have a plan for wreckfish either and it's illegal to possess them in the South Atlantic by anybody except the permit holder.

DR. CRABTREE: I don't have any way of knowing the answer to that. If this is somehow a real long-term shift related to climate change and these fish are starting to populate and grow up there, that is one situation; but if it's just people found a couple of areas that have some of these snowy group and some of them that have always been out there, there is nobody knew about them and they found them, they may well fish those down.

It may be in order to prevent them from fishing them down, you have to put some really strict restrictions on it. I think one thing you could think about is you could apply the recreational permit to everybody up there, but maybe give commercially permitted vessels in the northern area an exemption from the requirement to have a snapper grouper permit to sell so that there would be some commercial take.

There isn't much in terms of commercial landings up there right now, so I don't think there is anyone up there who is really dependent on this. Red, most of this off of Virginia was recreational and I think charterboats to some extent; wasn't it?

MR. MUNDEN: Yes, Roy, that's my understanding. The recreational fishermen began targeting primarily snowies when they learned to fish for them. They have, of course, the electronic navigation equipment that is available and they can find the areas where those fish congregate, and they've learned to fish those deeper waters. It was always just kind of an incidental catch for the commercial fishery. I think it is quite possible, as you say, the fish have been there all along and they're just learning to fish on them now.

DR. CRABTREE: So I think one solution would be to just have the bag limits apply to everyone up there; but if you have some sort of commercial permit up there, you're exempted from the restrictions on the sale of recreational bag limit caught fish that apply to the south. That would be one way to come at it. And if it's just commercial fishermen are just incidentally catching one or two of these sometimes, maybe that's enough to accommodate them; I don't know.

DR. CHEUVRONT: Roy, that kind of extended along the lines of what I was thinking, taking what Monica had said earlier about extending the management unit but maybe not necessarily putting in management measures that would provide any onerous restrictions at this time; but I thought that if we don't extend the management unit at some later point, if we do need to do something to manage these fish, it would take us longer to act.

I like the suggestion that Roy just gave in terms of trying to find a way to allow the commercial fishermen to sell the catch and provide minimal management. I think it will help all the way around in terms of if we do need to put management measures in place or help to make sure that we've got the data that we need to do stock assessments and things in the future. I think we can all predict that the landings will only increase over time, at least until they get fished out, but we need to have some handle on that. I would be in favor of what Roy is suggesting.

MR. CURRIN: Okay, we have a motion that Duane offered and it was seconded to select Alternative 2 under Action 2 as far as permits to do not require a snapper grouper permit in the northern extension. We need to deal with that motion, and I don't think what Roy said or your supported statement, Brian, would conflict with selecting that as an alternative.

Obviously, it would require that we add another action in here to deal with exempting the commercial guys from being able to sell those bag limit quantities. It would, however, restrict catches of individuals in that area to the bag limit, the South Atlantic bag limit, so at some point I guess the Mid-Atlantic is going to have to react to that. Anymore discussion on the motion?

DR. CRABTREE: Well, I'm going to vote against the motion because it seems to me we need to flesh out the rest of that and what we're going to do so we understand what the implications are. I don't feel comfortable voting for this until we've figured the rest of this out. If that means we've got to put another action in the document to explain what is going to apply up there, I'd like to see that before I vote on this.

MR. CURRIN: All right, good point. Do you want to withdraw the motion, then?

MR. HARRIS: **Mr. Chairman, I'll withdraw the motion.**

MR. CURRIN: Is that okay with the seconder?

MR. CUPKA: Yes.

MR. CURRIN: Okay, anybody object to withdrawing the motion? I see no objection, so that motion is withdrawn. All right, there has been some support for Dr. Crabtree's suggestion and it does make sense to me that we figure out some way that we can extend the unit but both the commercial and recreational fishermen, as best I understand it under that scenario, would be restricted to bag limit possessions. If we choose to, we can exempt the commercial fishery from the sales' prohibition that's in place in the South Atlantic as a result of 15B. Roy.

DR. CRABTREE: Maybe Rick remembers, but in Amendment 17B, Rick, did we approve for snowy it was a one per vessel bag limit; is that right?

MR. DeVICTOR: Yes, that's right.

MR. CURRIN: What's your pleasure, folks? Does this sound like something you want to ask the staff to develop some alternatives? Brian.

DR. CHEUVRONT: I just want to ask Red a question. What permits do the Mid-Atlantic fishermen currently have to have that – I guess the commercial guys who would probably participate in this fishery; do they currently have a specific permit? I don't know; do they just have to have a commercial fishing license issued by the state? I don't know what kind of restrictions you all have like if they're going to land tilefish or black sea bass, scup or whatever.

MR. MUNDEN: All of the species that are managed by the Mid-Atlantic Council are now limited access permits with the exception of spiny dogfish. It is an open access permit. They have to get a limited access permit from the Northeast Region. The limited access permits have qualification requirements. I believe in the case of black sea bass – this was before I started representing North Carolina on the Mid-Atlantic Council – you only had to land one pound of black sea bass during the qualification years, but for the most part now the landings have to be greater than that.

DR. CHEUVRONT: To follow up with that, it would make sense that instead of – I mean the way that you're going to limit entry it could just be that somebody would have to have any Mid-Atlantic permit and that would be the qualification for somebody getting into the fishery if we wanted to do that.

DR. CRABTREE: Yes, I guess you could do that. It depends on if you want everyone restricted to the recreational bag limit. If that's what you wanted to do, you could say that, but then you could say anyone with one of these northeast or mid-Atlantic permits is allowed to sell that recreational bag limit.

MR. CURRIN: I think that's kind of where we're trying to get to. What is the committee's pleasure? Roy.

DR. CRABTREE: Well, I think along those lines if we could ask staff to work something up for us and look at it the next time, I suppose.

MR. CURRIN: All right, you heard Kate's comments at the very beginning, but it seems like this is much more complicated, so it doesn't look like we're going to be able to approve this thing for public hearing at this meeting. If this is the way we go, we certainly would want to look at those options or alternatives in December and we would have to decide how to move from there, if that's the way you want to go. And, again, the other option is to remove this action from Amendment 18. We would probably need a motion for this if that's the way the committee wants to go. Charlie.

MR. PHILLIPS: Well, I think this is probably the right way to go for now; and if the Mid-Atlantic Council decides that they want to tackle it in the meantime and give us that intent, then we can always change gears, but at least we're heading down the right road, I think.

MR. MUNDEN: We would certainly support a motion of this type so we would have a chance to look at the alternatives rather than just approving action today with some major changes relative to the desires of the Mid-Atlantic Council for public hearing. I would support this action.

MR. CURRIN: Okay, thank you, Red. Roy, did you have a motion here?

DR. CRABTREE: No, but just a thought; if everything else in 18 is ready to go except for this one action, I guess one thing to think about is you could just yank this whole action out of 18, put it one of the amendments we've got going, and then move the rest of this thing on out to public hearing and get it done.

I guess it could be in 18B and just have this one action in it. I guess you could look at putting it in the ACL Amendment or the Red Grouper Amendment – there are a number of other amendments coming down the pike – or you could just pop it out as 18B and deal with it separately. It's kind of up to you and I'm not exactly sure where all the other things in 18 are, if they really ready to roll or not.

MR. CURRIN: Well, you'll have a better indication of that if we can ever get through with this action and move on in 18. I guess as a good point we ought to keep that in the back of our minds as we move through 18; and maybe toward the end if we feel like everything else in 18 is ready to go, let's move that forward.

I'm just kind of thinking that there is some relationship between this action and being able to account for the mortality of snowies and bluelines there that tie into the Comprehensive ACL and setting annual catch limits for those species. Again, you made a good point that with virtually no recorded landings up there or very few and willingness to consider ignoring those – and maybe that's not as big a deal as we thought it was originally. What is your pleasure here? We do somebody to offer a motion to ask the staff to develop some alternatives under this action to consider allowing bag limit harvest within the Mid-Atlantic and New England areas with an exemption for the sale by those possessing, as suggested, any Mid-Atlantic or New England permit. David.

**MR. CUPKA: Mr. Chairman, I'd like to make a motion that we have up there that would do that, which is to request staff to work up alternatives to address northern expansion with the intent to; one, exempt commercial fishermen in the northern zone from sales prohibition; and, 2, do not require a commercial permit in northern areas.**

MR. CUPKA: A motion by David; is there a second? Second by Red. Any further discussion on this motion? I would just, as a point of discussion, ask that staff take – and I'm sure you will – take a good look at the current actions that are in here and see how they're impact is affected by potentially going this way so that they can either be, in the future if this is chosen by the council, removed from the amendment and the like, if we don't take it out and move it somewhere or get rid of it later today. All right, any further discussion on this motion? Is that pretty clear to you, Kate; do you understand the intent here? Ben.

MR. HARTIG: Just a clarification; this means that commercial fishermen in the Mid-Atlantic would be able to catch the bag limit and they would be able to sell the bag limit, but anything greater than the bag limit they would have to discard?

MR. CURRIN: That would be the intent if this were to be a measure that was adopted and put into effect. Other discussion? Objection to the motion?

DR. CHEUVRONT: Actually I want another discussion point to follow up with what Ben was saying

MR. CURRIN: Okay, before we vote then, Brian, last word.

DR. CHEUVRONT: I think Ben is bringing up a good point. Can we also consider other options than just allowing just the commercial sales of the bag limit? Are there other ways to consider that and keep them within the same restrictions that we have on the South Atlantic fishermen?

MR. CURRIN: Well, it's a good question. I was kind of under the impression earlier from comments from Monica and Roy that may not be possible or it be difficult under current regulations, but we're asking to develop an exemption to current regulations. I don't know how far we can take that to exempt them from other regulations that might impact their ability to sell.

MS. SMIT-BRUNELLO: I'm not sure either; I guess maybe the staff could consider that part and parcel with this and then bring that kind of information back to the council.

MR. CURRIN: Okay, I think if the staff will note that and give that some thought, then perhaps they can develop some alternatives, Brian, that would go beyond just allowing the commercial sale of bag limits, but the idea being to extend those to some degree.

DR. CHEUVRONT: I think the motion that we have up there will allow that to happen. I just wanted to make sure that we didn't narrowly define what we meant by that here and that was the only route that we were going to consider. I'd like for us to be able to consider other avenues as well.

MR. CURRIN: Yes, and I think the motion will allow that as well; so with that direction I think the staff can maybe make some progress. Red.

MR. MUNDEN: I have a question for Dr. Crabtree, but let's go ahead and deal with this motion.

MR. CURRIN: All right, any further discussion on this motion? **Any objection to the motion? I see no objection so that motion is approved.** All right, Red.

MR. MUNDEN: Roy, if all of the restrictions in the regulations for snapper grouper from the South Atlantic apply to the northern management area, how would that impact the harvest of, say, blueline tilefish that are taken occasionally in otter trawls, because trawl gear is not allowed for harvest of snapper grouper species in the South Atlantic.

DR. CRABTREE: Well, I think they would have to discard them. I'd have to ask Monica, but I think right now if you pull a trawl in the South Atlantic and catch a snapper grouper you're not allowed to bring it in; is that correct?

MS. SMIT-BRUNELLO: I believe that's true so that is something that staff should look at as well.

MR. MUNDEN: And the reason I raised that issue is that black sea bass and scup are two species that are commonly caught in trawl gear in the Mid-Atlantic occasionally. My commercial contacts have indicated they occasionally will catch a blueline tile. I never heard of snowy being caught. It could be very problematic relative to having to discard the species.

DR. CRABTREE: I think, one, we need to check the regulations to make sure there is not some incidental allowance or something like that. I suppose if that's the case you could put some incidental allowance provision in place. You can see the complexities of this thing starting to come out, but we'll look into that. I think staff will have to look into that, Red.

MR. CURRIN: I know at least it has happened that they've caught snowy groupers in trawls up there. I don't know how common it is, but somebody waylaid them a while back apparently and found a bunch of them. It looks like we have the flexibility to exempt those folks up there from certain regulations that seem to be problematic. All right, is that okay with Actions 1, 2, 3 and 4 at least at this point? Monica.

MS. SMIT-BRUNELLO: This is a question for Red, I guess. When you look at Action 3, I know part of it is kind of caught up into this last motion, but I would assume at some point the councils will want to consider just how any management measures that the Mid-Atlantic would want to implement, assuming that's the way all the councils agree to go, how that would happen.

Does the Mid-Atlantic envision or have you even thought about how that would happen? Would you develop these management measures obviously at the Mid-Atlantic meeting and then develop some sort of document that would be, I guess, a snapper grouper amendment, whether it's a regulatory amendment or a plan amendment, and then that would be submitted. I don't know; I'm just trying to figure out how that would happen and maybe we want staff – after Red answers, maybe you want to give some latitude to staff to think about just a little bit of the mechanics part of it and how those kinds of things would be implemented.

MR. CURRIN: I'm certainly willing to give the staff all the latitude they need to try to fill in all the holes that seem to be ever growing and appearing with regard to this action. I assume that's okay with the rest of the committee. I see no one objecting. Ben.

MR. HARTIG: I've got a question to you, Mr. Chairman. You have been much closer to this fishery than anybody else and have kept some pretty good tabs on it and talked to fishermen. There was a developing actually blueline tilefish in northern North Carolina in the most recent years. Is this something that has occurred more since 2006 that we have the landings for in your mind?

MR. CURRIN: I see it increasing, Ben, yes, since 2006, so updating those data would be much more informative to us. That's certainly something in going through this amendment that I noted and planned to request of staff that we try to get the most recent data that we can on the landings and the like to incorporate into this amendment. Brian.

DR. CHEUVRONT: To Ben's question, yes, Ben, I have looked at that; and when the prohibitions went into effect with the less than a hundred thousand pounds of snowy grouper quota, a lot of those fishermen that were fishing on snowy grouper north of Hatteras in North Carolina switched over to blueline tile. For a couple of years the blueline tile landings went up considerably immediately after the snowy grouper restrictions went into place.

MR. CURRIN: And golden tile as well; some of the guys are poking around and finding a few golden tiles out there, too, Ben.

DR. CHEUVRONT: Yes, that's a new thing. You all probably just got the e-mail the other day from Kim about the state record golden tilefish being landed in North Carolina just recently.

DR. LANEY: Mr. Chairman, I was just going to let you know I just e-mailed Virginia and asked them if they would shoot us those landings for the last five years. If they respond to my request, I'll share those with everybody.

MR. MUNDEN: In response to Monica's question as to whether or not the Mid-Atlantic has a strategy for developing measures to manage snapper grouper, I think the short answer is not in place right now, but we do have a staff member, Jose Montanez, who has been tasked with snapper grouper responsibilities for the Mid-Atlantic. I have been copying him on my correspondence concerning snapper grouper. We have a staff person that will be involved with development of any measures that need to be put in place.

MR. CURRIN: And Rick just informed me, Monica, that Jose is on the team in helping developing this amendment.

MS. SMIT-BRUNELLO: And I have been speaking with Joe McDonald who advises the Mid-Atlantic Council as well, and we have the same concerns on some of these issues; just what kind of vehicle would they get implemented and would it need to be submitted to the South Atlantic Council. I'm assuming there are a variety of ways to do that, too, so we'll work together and try to iron that out and bring back some options.

MR. CURRIN: Okay, thank you. All right, anything else, Kate, at this point on the old Action 1 and now Actions 1 through whatever it is, 4 or 3?

MS. QUIGLEY: Well, I've written more specific language for staff if someone would like to make a motion that I think gets at what you want done; two things that you want done, which is to direct staff to devise more specific alternatives for management measures protocol actions, so that is how does the Mid-Atlantic and New England Councils get the management measures they would like implemented actually done; and update northern data in document.

MR. CURRIN: Okay, is there a motion to that effect by someone on the committee? I think this is the intent that we've discussed. David.

**MR. CUPKA: I'll make the motion, Mr. Chairman, if nobody else wants to. The motion would be to direct staff to devise more specific alternatives for management measures protocol actions and to update the northern data in the document.**

MR. CURRIN: Motion by David; second by Duane. Discussion? Is everybody comfortable with this? I think it will better inform us. **Any objection to that motion? I see none and that motion is approved.** Anything else in that old Action 1, Kate, that we need to consider right now?

MS. QUIGLEY: Nothing else.

MR. CURRIN: Okay, Action 2, PDF Page 41. This is essential fish habitat for snapper grouper in the northern extension area. We currently have a preferred, Alternative 3. Everybody comfortable with that; no concerns? All right, let's move on.

MS. QUIGLEY: Okay, Action 3, limit participation in the golden tilefish fishery, you currently have a preferred for hook-and-line initial eligibility requirements and longline initial eligibility requirements. One thing that we did is we added two years of data. Before we were doing 2004-2006, I believe it was, and now we're doing 2006-2008, which was the original request of the Golden Tilefish LAP Workgroup. I've got some new numbers to show people that we did not get the data in time to be able to put it into the document.

MR. CURRIN: She has got the updated numbers.

MS. QUIGLEY: We have the same alternatives, but at the last meeting we informed the council that we were able to add 2008 data. The council directed staff to go ahead and do that, and we added 2008 data; so now our numbers of people who receive endorsements have changed. We didn't receive the data in time to be able to insert the correct tables into the document, so now I'm going to put up the table that shows the new numbers.

Here what we have in this table that I've pulled up are hook and line, those sub-alternatives, so Alternatives 2A, 2B, 2C, 2D and 2E. Those are exactly the same as they were before, the wording, but the number of endorsements – these particular ones has changed a little bit because we got updated data.

Now, below this there were some conversations with Ben Hartig and some other fishermen about the desire to have these alternatives, with a little bit of an additional twist and that is have this alternative and then also you needed to have one pound landed in 2009 and one pound landed in 2008. Now, I'll let you know here that 2009 data is very preliminary, and 2008 data has yet been finalized but it will be finalized later this month. This is just an estimate of what it could be.

I see some people looking a little confused so I'll go over that again. We've got the same alternatives as we had the last time, but we've gotten new numbers of endorsements because we got an updated data set. The rows highlighted in yellow are new possible alternatives. I spoke with Ben Hartig and I spoke with some other fishermen who wanted to see other possible

alternatives added to include people who are newer in the fishery. Some people have entered the fishery in 2010. We don't have any 2010 data. We won't have that for another year and a half.

However, we do have some 2008 data and some 2009 data. We were able to incorporate the 2008 and 2009 data into some of these alternatives by saying, yes, you need to have at least so many pounds when the best three of five years are used from 2001-2005, but then you also needed to have at least one pound landed in 2009.

So it says, yes, you need to have landings' history, but you need to be a recent participant as well; and by recent participant we mean one pound was landed in 2008 or 2009. We calculated out those numbers and what you see is that up above you've got numbers looking like 30 people, 46 people, and those go down to 11 people and 15 people. This is for hook and line, so it is quite low. So just some additional alternatives that we've got and I'll just scroll through them – I can go back to them. I'll put those back up.

And then the longline alternatives; again, we added new data so you've got some new numbers here. And just to give you an idea of number of participants over the years, I've got a table showing that as well. As you can see, 2009 data is not complete; the numbers are quite low. The main message is some of the numbers have changed.

MR. CURRIN: I've got no problems with adding alternatives that are structured the way they are. I do have problems including data that aren't finalized yet because they're going to change potentially somewhere down the road, so I'd feel a whole lot more comfortable if we had finalized numbers. If somebody wants to suggest some alternatives that are added on this action, I would be comfortable with that, but I want to make sure that the numbers we've got in there are not going to change. Brian.

DR. CHEUVRONT: Kate, I presume all these fishermen are from Florida?

MS. QUIGLEY: No. No, there are fishermen from South Carolina, one or two from North Carolina.

DR. CHEUVRONT: And that's in hook and line as opposed to longline?

MS. QUIGLEY: In mostly hook and line, but there are some in longline that qualified.

DR. CHEUVRONT: Even under the recent restriction?

MS. QUIGLEY: Under the new alternatives, I didn't have specific enough data to be able to say – the data I received this time didn't show what state they're from, so I don't know. In the old data, when I ran the old numbers, they were North Carolina, South Carolina, Florida and maybe Georgia, but the new data I don't know.

DR. CHEUVRONT: The reason why I'm asking is because we see that there is more of an emerging hook-and-line fishery occurring in North Carolina. If this all happens as it is, that fishery basically goes away. I don't know if we've considered anything about having some kind

of a minor hook-and-line bycatch allowance; so that if somebody catches one of these fish, they don't have to throw it over dead or something.

I can understand not in the longline; because, clearly, if you're longlining, you are targeting these fish, but I was just wondering if there was somehow that we could allow some kind of a hook-and-line bycatch or something throughout. I'm not talking just North Carolina but I just happen to know there is that emerging fishery going on there now.

MR. CURRIN: Other reactions or comments about the action and the suggested alternatives that are included here? Ben.

MR. HARTIG: **I'll move that we include the new alternatives based on your concerns with the finalized data; so only new eligibility requirements based on finalized data will be considered.**

MR. CURRIN: Motion by Ben to include alternatives regarding new eligibility requirements based on finalized data I believe is what he said, Kate. You had a question.

MS. QUIGLEY: I just want to make people aware that if you only rely upon finalized data, then you're only going through 2007; and therefore the new eligibility requirement alternatives; none of them would apply.

MR. HARTIG: None of them would apply.

MS. QUIGLEY: But one thing I wanted to make people aware is we will soon – I think it's later in October – have 2008 data finalized.

MR. CURRIN: I guess with that understanding, if 2008 is going to be – is it going to be finalized, Kate, to the best of your knowledge before we meet again or before the public hearings?

MS. QUIGLEY: Yes, before we meet again; maybe or maybe not before public hearings, but it looks like public hearings aren't going to happen anyway because of the –

MR. CURRIN: Well, it's still a possibility if everything else rolls out of here and we can deal with that FMU extension and are comfortable with where we are now.

MS. QUIGLEY: Right, so we can possibly include the ones that include 2008 data.

MR. CURRIN: Okay, if they're finalized and if this moves along, I would feel comfortable allowing you to update those. If not and they go to public hearing, then it needs to be very clear to the public that those data for 2008 are preliminary, they will be finalized soon. I certainly wouldn't include anything from 2009 in there if it's going to be 12 months down the road. That would be my suggestion. Is there a second to Ben's motion? Second by George. Further discussion on the motion? **Any objection to that motion? I see none.** Brian.

DR. CHEUVRONT: I would like to find out if this is just my concern here on the council about allowing a hook-and-line bycatch allowance or whether anybody else on the council is interested in considering even a small allowance for that outside of the endorsement process.

MR. CURRIN: Reactions to Brian's suggestion. Ben.

MR. HARTIG: Brian, there is nothing in any of these options that preclude what you want to do. We could go to public hearing with the options and probably some additional options, which I'll add, but there is nothing in there that – when you sit down and look at what the public has to say, there is nothing in any of these options that doesn't allow you to go back and be not as conservative with your dates as far as letting people into the fishery.

DR. CHEUVRONT: Well, it is not necessarily even making sure that everybody – what you're saying is that we could change the dates to allow more people to get endorsements, but I'm thinking in terms of possibly not even requiring somebody to have an endorsement if there is a small hook-and-line bycatch allowance, and that's not in here anywhere yet. I was kind of under the impression that we wouldn't be able to allow that later on if we hadn't taken out some kind of options to public hearing for the public to comment on first.

MR. CURRIN: Well, if you'd like to offer a motion to that effect, to ask staff to develop some alternatives at various levels, if you want to give them a range of bycatch allowance for hook-and-line fisheries.

DR. CHEUVRONT: I don't think I could do that at this meeting. I could work with staff to find out what might be a range of alternatives after this meeting. I'll go ahead and make the motion. **Move the council direct staff to devise alternatives to determine hook-and-line bycatch for golden tilefish.** I'm not sure what else I could say at this point.

MR. CURRIN: Is that clear enough, Kate? I think you understand it. Is there a second to the motion? Second by Charlie. Discussion. Charlie.

MR. PHILLIPS: And I'm assuming this is commercial bycatch.

MR. CURRIN: I think that is the intent, to exempt some hook-and-line fishermen from an endorsement and allow some range of bycatch to be determined in the future. David.

MR. CUPKA: That was going to be my question, too, and what Brian really means is bycatch outside the endorsement requirement.

MR. CURRIN: All right, Brian, do you want to read that again and then we'll vote on it unless there is further discussion.

DR. CHEUVRONT: The motion is to direct staff to devise alternatives to determine hook-and-line bycatch outside the endorsement requirement for golden tilefish.

MR. CURRIN: Any future discussion? **Any objection to that motion? I see none; that motion is approved.** Is this something you think you can work out before full council or is this going to require some development?

DR. CHEUVRONT: No, I think it is going to require a little bit more than that because I need to talk to several folks about what they think would be a reasonable range of alternatives for that; whether it needs to be a number of fish or pounds or what, and I just don't know for sure at this point.

MR. CURRIN: Okay, no problem, I'm just trying to get a feel for where that puts us and where we sit. George.

MR. GEIGER: Just as a word, Brian, from the law enforcement aspect they're going to look for numbers of fish as opposed to pounds.

DR. CHEUVRONT: I think you're probably right. I think that's good advice and we'll use that to help guide us.

MR. CURRIN: All right, we have added some additional alternatives here under this action on golden tile endorsements and one outside of that. David.

MR. CUPKA: I was just going to mention I know Brian said it wouldn't be possible to do it, but, again, if we don't we're going to delay moving this forward. I know the tilefish fishermen are anxious to move ahead. We saw what happened with the tilefish landings this year, so we need to keep that mind, also, as we move ahead.

MR. CURRIN: Yes, if you can give it some thought or get some input during this week so that we could take care of it at full council, that's the only way we're going to be able to move ahead with this. Next week is not going to allow us to do that because we're going to have to approve it for public hearing if that's what we want to do. Right now that's probably not a big deal. We've got a lot to go through in this amendment and we may find some other stumbling blocks that are going to set us back and just come to that conclusion, but I think the intent is, if we can, to try to move this along for a number of reasons. Kate.

MS. QUIGLEY: So at this point in time there are some people who qualify for a hook-and-line endorsement and for a longline endorsement, and there has been some discussion among industry about whether that's appropriate or not. I don't know if there is any reaction to that.

MR. CURRIN: Thoughts on that whole issue; Ben.

MR. HARTIG: **I would move that individuals meeting the qualifying criteria for both endorsements will be issued the endorsements of their choice and an individual cannot hold both endorsements.**

MR. CURRIN: Motion by Ben to prohibit the possession of a longline and a hook-and-line endorsement. Second by George. Discussion? It makes sense to me. No discussion; any objection to that motion? I see none. Monica.

MS. SMIT-BRUNELLO: Could you discuss a little rationale as to why you think that is appropriate, just for the record.

MR. CURRIN: I'll call on Ben to provide some.

MR. HARTIG: Basically the longline fishery is ten times more productive than the hook-and-line fishery. Anyone fishing in that fishery will have a significant catch going into the time that the hook-and-line fishery opens. Being that the hook-and-line allocation – and we'll get into this in a second – will be relatively small relative to the longline allocation, anyone that fishes in the longline fishery will be perceived as having an unfair advantage being able to participate in both fisheries on a very small allocation for the hook-and-line fishery.

It will disadvantage the hook-and-line fishermen from people being able to produce a bigger part – to be able to participate in 75 percent of the quota, being able to participate in a large volume of harvest and then coming in and participating in the level of harvest, also. It's an equity consideration that the hook-and-line fishermen did not want.

MR. CURRIN: Other thoughts or comments on that? Is everybody comfortable with that motion? **Any objection to that motion? I see none; that motion is approved then.** All right, Kate, are we ready to move on to Action 4?

MS. QUIGLEY: Yes. What we have here are various alternatives to allow transferability of golden tilefish endorsements. The council looked at these alternatives the last time and asked that staff rearrange these alternatives. We did that, but I believe we kept the intent the same. I'm going to go through them because some of the wording – we've kept the wording the same, but we've only gone through this once so I'm going to go through them again.

Alternative 1 is no action; longline and hook-and-line golden tilefish endorsements are not allowed to be transferred. Alternative 2; longline and hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid snapper grouper permits. By that, it is implied that means commercial permits.

We have a number of different options under each of these: Transferability allowed upon program implementation; not allowed during the first two years of the program, three years of the program and five years of the program. Alternative 3 is longline golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits.

Alternative 4; hook-and-line golden tilefish endorsements can be transferred between any two individuals that hold valid commercial unlimited snapper grouper permits. Alternative 5 is that hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial limited or 225-pound snapper grouper permits.

Alternative 6; hook-and-line and longline golden tilefish endorsements can be transferred between any two individuals that hold valid commercial unlimited snapper grouper permits regardless of gear endorsement category, so this is basically just a combination of two of the above alternatives.

Alternative 7; endorsements can be changed from one gear type to another, and that was a motion made at the last council meeting. The IPT had a question about if Alternative 7 is selected as preferred, what is the point of creating separate endorsements for the different gear groups. There is no preferred at this time.

**MR. HARTIG: Well, first, I would move Alternative 7 to the considered but rejected alternatives.**

MR. CURRIN: Is that a motion?

MR. HARTIG: Yes, it's a motion.

MR. CURRIN: Motion by Ben to move Alternative 7 to the considered but rejected. Second by Mark. Monica.

MS. SMIT-BRUNELLO: And I guess I would ask your rationale so that the record can reflect why.

MR. HARTIG: Basically, from the IPT if Alternative 7 is selected as preferred, what is the point of creating separate endorsements for different gear types, so that question arises. Basically, you need to separate the two gears and you need to have some kind of way to allow each of them to fish – and this is going to come up a little bit later – under an allocation scheme in order for both gear types to participate in the fishery.

The other thing is the longline – you don't want to be able to change into the much more efficient gear types. Longline fishing is ten times more efficient than bandit fishing. In that regard you do not want to be able to put more effort into the golden tilefish fishery by being able to change an endorsement from hook-and-line to a longline fishery.

**MR. CURRIN: Okay, other comments? Any objection to that motion? I see none; that motion is approved to move that alternative to the considered but rejected.** Monica.

MS. SMIT-BRUNELLO: Just a question of clarification; Kate, Alternative 2, that references transferring between individuals or entities that hold valid snapper grouper permits, so that could be the 225 permit as well as the unlimited; right? Okay.

MS. QUIGLEY: Yes.

MR. CUPKA: I was thinking about that, too, and I wanted to ask Ben do you really think that anyone that was – well, it's longline and hook and line, but longline probably wouldn't be interested in transferring to a limited where they were restricted to 225 pounds, would they?

MR. HARTIG: Basically, this is a decision that we've got to make. The 225-pound permit was designed to go to the permit holder and go away when that permit holder ceased fishing. You've got to decide whether or not you want to allow extra mortality under that permit and whether you want to accommodate it.

There will be some 225-pound permits that meet the requirements of the tilefish endorsement. Whether you want them to remain fishing at the 225-pound level in the tilefish fishery complicates the endorsement scenario or whether you want to issue them an endorsement which sunsets with their 225-pound permit probably would be the easiest way to handle it. I don't have any problem taking this out to public hearing as stated. It's just that we're going to have to make that decision after public comment about how we want to handle the 225-pound permits.

MR. CURRIN: I have a hard time envisioning, Ben, that there would be any 225 permits that would be interested in a longline endorsement so that they could longline to catch 225 pounds of golden tiles.

MR. HARTIG: Well, under that, certainly that's not going to be the case – well, let me look at that.

MR. CURRIN: I hadn't looked at them closely enough but there seems to be kind of an overlap and perhaps some other alternatives that might not be reasonable here. David.

MR. CUPKA: That was my real issue, Mr. Chairman, rather we just want to say hook and line and take out the longline. I can't imagine a longline vessel being interested in fishing only 225 pounds of golden tile, but I guess we can leave it in there and take it out, but I don't think it's going to happen realistically.

MR. CURRIN: All right, everybody comfortable with these, more or less, at this point comfortable with the alternatives? I'm seeing no desire to make any changes. Kate.

MS. QUIGLEY: Okay, the next action, Action 5, adjust golden tilefish fishing year; you have a preferred alternative to change the start of the golden tilefish fishing year from January 1<sup>st</sup> to August 1<sup>st</sup>. In reaction to this action, I have received personally a number of phone calls from the longline fishermen and from dealers.

I've had conversations with dealers as well who have said, no, they would actually really prefer to have a January 1<sup>st</sup> start date. When they came up with the August 1<sup>st</sup> date, it was before the closure, the January to April closure, so they have expressed a preference for a January 1<sup>st</sup> start date.

MR. CURRIN: Any reaction to this latest input? It concerns me some. Ben.

MR. HARTIG: I've got mixed emotions about this one because the Florida fishermen certainly – and they have been catching the lion share of the quota in recent years. Yes, certainly, they have their reasons for wanting to go to – or not change the fishing year, but in the rest of the council's jurisdiction you may want to hear what the public has to say about changing the fishing

year in fairness to everybody, basically. I would probably leave this in there just to hear what the public has to say and the guys in South Carolina especially that tilefish.

MR. CURRIN: Well, it's my understanding that the change in the fishing year and establishing that late in the summer was – the intent was to allow the hook-and-line fishermen some opportunity to fish before the longline guys caught up the quota. We had another alternative in here at one point that would have prevented that, which ended the longline fishery after 75 percent of the fishery. I think the fishermen chose to go with the starting date change which would accomplish the same thing and reduce the actions. That is my understanding; correct me if I'm wrong.

MR. HARTIG: And to that point, yes, that was why we changed it, but then retrospectively having another meeting and thinking about it, if we open it up to everybody in September and when the weather is good – it is as good as it gets in the entire South Atlantic region in September – so you'd have a derby beyond comprehension in that time when the hook and line and longline – and nobody is going to make any money. The price will be terrible. I'll make another motion later where we can accommodate some of that problem.

MR. CURRIN: So I guess to Kate's point, the folks you heard from said they wanted a January start date, they were comfortable with that. That is an alternative in this action so I don't see any need to add any alternatives at this point. We do have a preferred. If they disagree with it, we'll hear more about it in public hearing. Everybody okay here? All right.

MS. QUIGLEY: Action 6 is golden tilefish fishing limits, what I think you just referred to. The preferred alternative is to remove the 300-pound gutted weight trip limit when 75 percent of the quota is taken. Currently there is a 400-pound trip limit until 75 percent of the quota is taken and then it goes down to 300 pounds. That is the current regulation. One idea was to remove the 300-pound trip limit when 75 percent of the quota is taken.

MR. HARTIG: **Mr. Chairman, I would add another alternative under that to go back to reference what you just mentioned. I would add that when 75 percent of the quota is caught, the longline fishery is prohibited from participating in the fishery or closed.**

MR. CURRIN: Is that not an alternative that has been put in the considered but rejected?

MR. HARTIG: Yes.

MR. CURRIN: So then your motion would be to bring that out of the considered but rejected and put it back into the amendment. Is there a second to Ben's motion? Second by Brian. Discussion? George.

MR. GEIGER: Mr. Chairman, based on law enforcement considerations and advice we received from them in the past, the poundage issue is a difficult one for them to monitor at sea. Is there any way we can transfer or convert the 300-pound gutted weight to a number of fish based on the mean weight of the fish?

MR. CURRIN: I don't know the answer to that. I'm sure there are fishermen that could probably come up with a reasonable number that would accommodate them to get them close to the 300 pounds on average.

MR. GEIGER: I'm just anticipating that when the law enforcement looks at this, we're going to hear from them and say this is an unenforceable problem.

MR. HARTIG: Would it be appropriate to add 300 pounds or the number of fish corresponding to an average 300-pound trip limit to be developed further later?

MR. CURRIN: I think we could do that; convert that based on average fish weight.

DR. CHEUVRONT: But that doesn't really need to be part of this motion, I think. That's a separate issue.

MR. CURRIN: Okay, the second was Brian. Questions? Mark.

MR. ROBSON: This is for Ben and I'm trying to make sure I understand how this would work. The new motion to stop the longline fishery at 75 percent of the quota; is that necessary if you don't go back – if you keep the January fishing year start, does that matter in terms of how important this would be to prevent the longline fishery from taking all the fish?

MR. HARTIG: No, if you change it to August or September, you don't need that, but it would be nice to have a suite of alternatives that you could – and we'll get to this in my next motion – de facto, by setting up the endorsement program you have an allocation scheme set up. Otherwise, if you don't allocate it, you don't need endorsements, so you have to have an allocation somewhere in the program to be able to do it.

This is the simplest way because these are regulations we already have. You could do this very simply by just using this 25/75 de facto allocation between hook and line and longline to be able to get at that allocation you're going to need to be able to have two endorsements. But, yes, if you went to the September fishing, you wouldn't need it and we have an option in there that says that you could remove the 300-pound trip limit from the longline fishery if we had that occur.

MR. PHILLIPS: Ben, I'm just kind of thinking down the road. Golden tilefish is going to be reassessed, benchmark. Supposing the TAC goes up a considerable amount and you hit the 75 percent; will the hook-and-line fishermen – what timeframe would you see? Can they still catch their 25 percent of the quota?

MR. HARTIG: No, and I've thought about that, too, Charlie. I'm trying to think about how to incorporate any underages in the hook-and-line fishery to be added to the longline quota the next year to be able to utilize the biggest part of the quota that we can. We have to talk to Roy some more about that because it gets into problems with ACLs and how your percentage is and what you can actually catch, but that is one of the other motions I had down the line.

MR. CURRIN: I don't think that will be a big deal, Charlie, because we'll have to implement the increase in the quota through some action, and I presume we could adjust for that during that action as well; the same actions. Further discussion on this motion? The motion by Ben is to add an alternative under Action 6 that prohibits longline fishing after 75 percent of the quota is taken. **Any objection to that motion? I see none; that motion is approved.** Ben.

MR. HARTIG: **If I may, while we're under the allocation scenario – that's more or less an allocation scenario – let me make a motion that under allocation we'll have three alternatives; one, 75 percent longline and 25 percent hook and line; two, 85 percent longline and 15 percent hook and line; and, three, 90 percent longline and 10 percent hook and line. I make that as a motion.**

MR. CURRIN: Motion by Ben to add an action that allocates commercial golden tilefish to the various fisheries. Does that get it, Ben?

MR. HARTIG: Yes.

MR. CURRIN: All right, a motion by Ben to add an action that allocates commercial golden tilefish between longline and hook-and-gear groups as 75 percent longline and 25 percent hook and line; 85 percent longline and 15 percent hook and line; 90 percent longline and 10 percent hook and line. Is there a second? David.

MR. CUPKA: Well, I'll second for a point of discussion; but sitting here and thinking about that, based on the action we took previously in that motion, I don't think the longlines would even get a 75 percent because we said when 75 percent of the quota is reached then longline is going to be prohibited, but that 75 percent is going to be reached based on catches by both longline and hook and line.

Once we get 75 percent of the quota, then longlining is prohibited. As long as there is any hook-and-line catch, they don't ever even get 75 percent of the catch if you follow what I'm saying there. I think the previous motion is going to preclude the longline allocation ever reaching 75 percent if it's shut down when we reach 75 percent of the quota.

MR. CURRIN: That is a good point. Yes, the point is if both gear types are operating at the same time, the hook-and-line contribution to that is going to contribute to the closure of the longline gear. Ben.

MR. HARTIG: Certainly, I see this as an either/or. Basically, you give them an allocation or you go and just do the 75/25 and be done with it. I mean, it's an either/or and that's why I included both of them for public comment.

MR. CURRIN: They are mutually exclusive. There is some conflict there. All right, comments or questions on the motion? Mark.

MR. ROBSON: Just so I understand; where about are we in the current breakout between the two gear types in terms of recent landings? Does this bracket that or is it about 75/25?

MR. HARTIG: No, the highest landings I think Kate has documented is 12 percent hook and line, but I will remind you of the history of the fishery. It started out a hundred percent bandit fishery. It started out a hundred percent hook and line. The longlines entered the fishery. We had to get out because it was no longer economically feasible for us to fish.

We have longline closed area in South Florida where the fishery has come back tremendously, and it has also come back – to be fair to everybody, it has come back tremendously in the whole area of the South Atlantic. We would like to see the council look at some equity in the long-term history of the fishery and allowed some of the hook-and-line fishery to come back into the fishery.

MR. CURRIN: Also keep in mind that the last handful of years I think with very limited participation by the hook-and-line fishery, the longline fishery has caught it all up even with the 300-pound trip limit. There is good indication that longliners were fishing on that 300-pound trip limit. With the hook-and-line fishery occurring primarily in the fall, there was no quota left in the fall when those guys were fishing, so we're trying to carve out some portion of the quota for the hook-and-line fishermen.

MR. HARTIG: And just a short followup, Mac is exactly right. The allocation has been caught up primarily by longline fishermen because it is caught up in the 300 pounds as well as in the unlimited fishery. Since the restrictive quota has been implemented, we haven't been able to fish in the timeframe when we use it most, which is September, October and November. We do still have some landings, but it's not much.

MR. CURRIN: Any further discussion on this motion? **Any objection to this motion? I see none and that motion is approved.** All right, why don't we take a seven-minute break. We'll start into black sea bass on Action 7 unless there is anything under golden tile that we need to deal with.

MR. CURRIN: Let's get the Snapper Grouper Committee back to the table so we can resume. While everybody is walking up I'll just let you know Kenny Fex is on our Snapper Grouper AP. He asked me about making a presentation. I told him I didn't think time would allow, but he has got some information from some research projects that he is involved in and aware of that shed light on the hook-and-release mortality,

He is got a little PowerPoint of that presentation. I offered him the opportunity to come in at 8:00 o'clock in the morning. I'm assuming there is somebody from staff that can get him hooked up on a computer. For those who are interested in what Kenny has got to present, then try to be here about 8:00 or a little after and I going to allow Kenny some time in the morning for those that are interested. I just don't think we're going to have time today to allow that to happen during our committee meeting.

He can tell you more about it during the public comment period with Dr. Crabtree perhaps as well. All right, Action 7, PDF Page 49, limit participation in the black sea bass pot fishery. We have four alternatives. We have a preferred selected; limit tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black

sea bass caught with pot gear between two dates, December 8, 1998 and December 4, 2008. Is everybody comfortable with that alternative right now? Tom.

MR. BURGESS: I am comfortable with all these alternatives, but I was looking at the one pound of black sea bass. That seemed a little low. In Amendment 8 there was a 1,000 pound number associated with keeping your snapper grouper permit, so I would like to add an analysis of additional minimum pound average aggregate in one year for Alternatives 2 through 4.

MR. CURRIN: And what is the value, Tom, a thousand pounds or –

MR. BURGESS: Well, Kate had done some – I probably jumped in there a little too fast; I apologize for that.

MS QUIGLEY: Actually, Tom had called us about this about a month and a half ago. Jack McGovern was able to run some additional numbers, so not just the one-pound minimum requirement but 100, 250, 500, up to 20,000 pounds. This is within one year. One option is to do minimum average poundage over the period of time. Another option is aggregate poundage. What Jack ran – the way that he understood it was within one year you have to have landed, say, 1 pound or 100 pounds or 250 pounds and take a look at how many people would be able to participate in the fishery under Alternatives 2 and 3.

MR. CURRIN: And that's 1,000 in any year?

MS. QUIGLEY: In any year but we just recently talked about doing average or aggregate or some other options. What I've done is written into the motion "add alternatives under Action 7 to Alternatives 2 and 4 to add minimum poundage, average aggregate in one year," so we've got a large number of additional alternatives.

MR. BURGESS: I would like to see a range of poundage possibly added to this alternative. I don't know if you want to choose the whole range of poundage or a big range there or we could narrow that down to more than one and just not leave it at a thousand pounds and maybe see a range in there. I do have some numbers in front of me; 500, 1,000, 2,000, 5,000 and 10,000.

MR. CURRIN: **Okay, the motion by Tom is to add alternatives under Action 7 to Alternatives 2 through 4, to add minimum poundage based on average and aggregate catch in one year to include values of 500, 1,000, 2,000, 5,000 and 10,000 pounds.** Second by Ben. Discussion. Ben.

MR. HARTIG: Kate, on those landings you showed in that last table, are those just trap landings or are those sea bass landings, which would include hook-and-line landings also?

MS. QUIGLEY: Pots only.

MR. GEIGER: Kate, has the analysis been done? Can you write that up relatively quickly or is this going to be a show-stopper for getting this out to public hearing?

MS. QUIGLEY: I spoke with Jack about that and he thinks it can done very quickly.

MR. CURRIN: Other discussion on the alternatives. Tom had called me earlier about it and said where does this one pound come from? I said, well, you know, it's some way to make sure somebody has actually seen a black sea bass, I guess. I don't know what basis it has. It seems to be fairly commonly used in our qualifications.

I guess it has got some basis, but I don't know where it is. Maybe somebody can shed some light on it, but it's kind of the minimum – I guess from my perspective the minimum qualification for anybody who has perhaps ever I guess sold a black sea bass. It doesn't seem to have much rationale and establishing to me a little higher standard makes a lot of sense in trying to identify people who are black sea bass fishermen. And with effort to limit participation as a goal in this action some kind of higher qualification seems in order to me. Roy.

DR. CRABTREE: Well, I tend to agree with you. If we're going to choose the one pound, it has to have some kind of rationale and basis. Otherwise, we can't do it. I think, Jack, we're looking at closure on sea bass potentially in October due to the quota is caught. We just got some numbers yesterday, so we're in a pretty unfortunate situation with sea bass. I would think some move here to bring down the amount of effort in that fishery makes sense.

MR. CURRIN: Any further discussion on this motion? **Any objection to the motion? I see none; that motion is approved.** Thank you, Tom. All right, let's move on.

MS. QUIGLEY: Okay, the next action, Action 8, limit effort in the black sea bass pot fishery; nothing has changed here. The preferred is to require that each black sea bass pot in the water or at sea on a vessel have an attached valid identification tag; limit the black sea bass pot tags to 50 per vessel annually.

MR. GEIGER: Mr. Chairman, I'm not going to make a motion unless staff deems it to be necessary or perhaps the committee does, but we may be remiss based on our discussions the other day concerning the marking of the trap lines by not including in Alternatives 2 and 3 wordage to the fact that also they should be required to have the appropriate colored trap line identification marker in addition to identification tags as issued by the National Marine Fisheries Service.

MR. CURRIN: I think if you recall from the discussion the other day, George, the black sea bass pots are operating as a result of regulations under the Large Whale Take Reduction Team to have marks, and I guess they're specified as orange tape, flagging tape that must be in the middle of the line, Tom; is that correct?

MR. BURGESS: Yes, there are several requirements to be in compliance with the Large Whale Take Plan; and that is one of them, gear markings and weak links at this time.

MR. GEIGER: Then my suggestion is editorially just to include that language in the first sentence of Alternatives 2 and 3 just to include all the requirements.

MR. CURRIN: It made me think I guess, George, when we were talking about that before of whether in fact one marker and average line length, Tom, is what, 150 feet or so?

MR. BURGESS: 150, yes.

MR. CURRIN: I guess if it's okay with the Large Whale Take Reduction Team people, then that's okay with me.

MR. GEIGER: Do you need that as a motion?

MS. QUIGLEY: I'd prefer it as a motion. Do you mean under Action 7 or under Action 8?

MR. GEIGER: Under Action 8.

MS. QUIGLEY: Okay, so, yes, if we can make that a motion that would be helpful.

**MR. GEIGER: Okay, I would make a motion that under Action 8, Alternatives 2 and 3, that in addition to the first sentence of each alternative we add language "and the appropriate colored trap line identification marker as approved by the Large Whale Reduction Take Team".**

MR. CURRIN: Just to mirror that language I think and get it out front so that it is clear. It is already a requirement but this will just acknowledge that requirement, I guess. Motion by George; second by Tom. Roy.

DR. CRABTREE: Could I suggest that since this is already required and it seems to me it would apply to all these alternatives, that it would just be something in the discussion rather than tied to a particular alternative.

MR. GEIGER: Yes, and the reason because in Alternative 2 and 3 this is where we talk about the requirement to have an identification tag issued by NOAA; and if you just read that, all they need to do is have an identification tag as issued by NOAA, but in addition to that there are requirements under the Large Whale Take Reduction Team to require line markings, as we heard the other day. If you just read these two alternatives, there is only that one requirement for identification tags and it doesn't say anything about line markings.

MR. CURRIN: I think Roy is right actually, George, because it's already a requirement by NOAA for addressing other fisheries. I don't know; I'd be comfortable with it just in the discussion.

DR. CRABTREE: And that statement about NOAA issuing identification tags is in more alternatives than just 2 and 3.

MR. GEIGER: Yes, Action 8, Alternative 2 and 3, the first sentence of each Alternative 2 and 3.

MR. CURRIN: What Roy is saying is that all the alternatives deal with requiring tags, I think.

DR. CRABTREE: Yes, that's in Alternative 4 and 5 as well; isn't it? That's my point, I think it's all the alternatives that applies to, so I'd put it in the discussion rather than in the alternative itself.

MR. CURRIN: Would you be okay with that, George, if we just acknowledge –

MR. GEIGER: That's fine.

MR. CURRIN: – that exists and we have it in the discussion in the amendment to refresh everyone's memory that it is already in place. Do you want to withdraw –

MR. GEIGER: **If it's okay with the committee, I'll withdraw the motion.**

MR. CURRIN: Okay, is it okay with everybody else to withdraw the motion? I see no objection. David.

MR. CUPKA: I was just going to add some verbiage to clean that up because there are a couple of things in there that aren't right; but if he is going to withdraw the motion, we don't need to worry about it.

MR. BURGESS: Just to that point briefly to address that, the Large Whale Take Reduction Website has a color brochure, if you will, a printout of one or two pages that can be downloaded. If that could be added to anybody that requests sea bass tags that would identify at that time all of the requirements under the plan and they could be in compliance at that time.

MR. CURRIN: Yes, that would be good advice to refer them to that if they're not aware. All right, is everybody okay with where we are on this action? We've got a preferred, limit black sea bass pots tags to 50 per vessel annually. Anything else that you need, Kate, on that action?

MS. QUIGLEY: No.

MR. CURRIN: Okay, if there is no objection, we'll move ahead.

MS. QUIGLEY: Okay, we've got Action 9, implement measures to reduce bycatch in the black sea bass pot fishery. Nothing has changed here. The Preferred Alternative 2 is black sea bass pots must be brought back to shore at the conclusion of each trip. We have talked to enforcement. This is in the discussion in the amendment. We have talked to enforcement about people have difficulty doing that. Enforcement will handle it on a case-by-case basis, and they understand that will occur.

MR. CURRIN: Everybody okay with where we are here? All right, I see no hands waving.

MS. QUIGLEY: All right, Action 10, improvements to commercial data reporting. At the last meeting we added an alternative, which was Alternative 6, implement the ACCSP Quota Monitoring Module for the commercial sector. We spoke with ACCSP folks, and it makes more sense, the IPT thinks, to reword this alternative as "require that commercial landings and

catch/effort data be submitted in accordance with ACCSP Standards, using the SAFIS System”. If that’s okay with the council, we would like to have a motion to change that wording for Alternative 6.

**DR. CHEUVRONT: I’ll go ahead and make that motion. I move that under Action 10, Alternative 6, we change the wording to be “require that commercial landings and catch/effort data be submitted in accordance with ACCSP Standards, using the SAFIS System”.**

MR. CUPKA: Second.

MR. CURRIN: Second by David. Any discussion? I think that is a good clarification. **Any objection to that motion? I see none; the motion is approved.** Just either for now or for the future, please note that the committee can select more than one preferred alternative under this action. We’ve got one providing an option for fishermen to submit their logbooks electronically. We had a request from fishermen that wanted to be able to do that to make the data more timely, and they were willing to go to that effort to provide that information quickly. Is everybody okay with we are now with this action?

MS. QUIGLEY: I just wanted to say that Alternative 2 requires that dealers, if selected; and then under Alternative 3 it’s mandatory that they report electronically. Under Alternative 6, this would require, from what I understand, mandatory reporting electronically, so Alternatives 3 and 6 overlap somewhat. To make it cleaner, it might be a good idea to eliminate Alternative 3.

MR. CURRIN: Is there a motion to move to considered but rejected? David.

**MR. CUPKA: I’ll make the motion to move Alternative 3 to the considered but rejected appendix.**

MR. CURRIN: Second by Duane. Discussion? It might be worthwhile just adding some language or a parentheses note under Alternative 6, Kate, that would inform everyone that this would require electronic reporting; all dealers to electronically report, just for clarification.

MR. HARTIG: Does electronic include phone?

MS. QUIGLEY: At this time I don’t think it does so we need to speak with ACCSP folks and see if that’s a future possibility.

MR. CURRIN: Other questions or comments about the motion? **Any objection to that motion? I see none and that motion is approved.** Okay, Kate, anything else under that action?

MS. QUIGLEY: No, that’s good.

DR. PONWITH: Mr. Chairman, I am reading Alternative 2, and it states that the NOAA Fisheries Service is authorized to require weekly or daily reporting as required. I believe the statute gives the authority for monthly reporting.

MS. SMIT-BRUNELLO: But wouldn't this alternative then – isn't it suggesting that the center director could require weekly or daily reporting?

MR. CURRIN: I think that's what it is suggesting is that is an option. It doesn't state that it's required to be daily or weekly, but I guess it states that you have that option to request that it be submitted weekly. As long as that's not a conflict, then I think we're okay, but thank you, Bonnie, for that clarification. All right, ready to move on to Action 11, PDF Page 55, improvements for for-hire data reporting.

MS. QUIGLEY: Okay, under this action we need the same rewording. Under Alternative 2, to make things more clean, we could get rid of Alternative 2 because it overlaps with Alternative 5.

MR. CURRIN: Is there a motion to –

MR. HARTIG: So moved.

MR. CURRIN: – **clarify the wording under Alternative 5 and move Alternative 2 to the considered but rejected.** Motion by Ben; is there a second? Second by Duane. This is very similar to what we did in the previous action. It's just dealing with the for-hire sector as opposed to commercial logbooks. Discussion on the motion? Any objection to that motion? Brian.

DR. CHEUVRONT: I just want to make some clarification that this is for both of those actions, so this is to change the wording in Alternative 6 as well as moving Alternative 2 to the considered but rejected.

MR. CURRIN: That was my intent in asking for that motion. I believe that was Ben's motion and I'll read it, but, yes, it does accomplish both of those things. Actually it's Alternative 5 under this action as opposed to 6. The motion is under Action 11, Alternative 5, change the wording to require that for-hire landings and catch/effort data be submitted in accordance with ACCSP Standards, using the SAFIS System; and move Alternative 2 to the considered but rejected. **Any objection to that motion? I see none and that motion is approved.**

Action 13 is on Page 58. Those are alternatives that would implement a spawning season closure. I'm sorry; I skipped over. It's Page 57; that's a change in the black sea bass fishing year again; three alternatives; one to leave it to where we changed it a few years ago in June; then a couple of alternatives to move it back with some slight variation. Tom.

MR. BURGESS: This is also in Regulatory Amendment 9, and I didn't know where the committee wanted to address it.

MR. CURRIN: Yes, good point. Thoughts on that.

MR. HARRIS: I'm sorry, I didn't hear Tom.

MR. CURRIN: Tom's comment was that this action is also in Regulatory Amendment 9, which we will consider later in the day, the same action. I presume that Regulatory Amendment 9 would move forward more quickly than 18. Jack.

DR. McGOVERN: Also in Regulatory Amendment 9 the dates for the months of the fishery year change are different than here, too, so that's something else to consider.

MR. CURRIN: Well, can we decide on what alternatives we would like to have to consider for fishing year start date changes and decide where we want to put it. Am I correct, Jack or Roy, in that if Regulatory Amendment 9 goes forward, it would be implemented potentially more quickly than Amendment 18?

DR. CRABTREE: Yes, particularly given all the issues with the first action of extending the range. I think partly it depends on whether you're going to pull that out of this or leave it in this, but certainly the way Amendment 18 is set up right now I'd say the framework certainly could move forward quicker.

MR. CURRIN: But if we chose to remove that first action on extending the range of the FMU, that it's kind of a tossup then as to –

DR. CRABTREE: I'd defer to Jack. He's probably more on it, but I don't know.

DR. McGOVERN: I would think Regulatory Amendment 9 still might move ahead of 18, but it would be close.

MR. CURRIN: Okay, thanks, Jack. Brian.

DR. CHEUVRONT: **So I'll just go ahead and make the motion that we remove Action 12 from this amendment.**

MR. CUPKA: Second.

MR. CURRIN: Motion by Brian to remove Action 12 from Amendment 18; second by David. Further discussion on this motion? Just as a reminder, we will need to kind of consider the dates in this one when we get into Regulatory Amendment 9 and make sure that the alternatives are the way people want them. **Any objection to the motion? I see none and that motion is approved.**

Now to Action 13, Page 58; five alternatives dealing with implementation of a spawning season closure; a series of dates and subalternatives that would apply those to either/or and the recreational and commercial sector. Brian.

DR. CHEUVRONT: **This also is in the regulatory amendment; so using the same logic, I will just go ahead and make another motion that we remove Action 13 from the amendment.**

MR. CURRIN: Motion by Brian to remove Action 13 from Amendment 18, second by Ben, for the same rationale that was discussed previously that it's Regulatory Amendment 9. Jack.

DR. McGOVERN: I just want to point out in Regulatory Amendment 9 these different alternatives are not present. All Regulatory Amendment 9 does is say establish a spawning season closure, which would presumably be March through May, so we might want to consider these alternatives when we talk about Regulatory Amendment 9.

MR. CURRIN: Okay, if we can then request that staff grab these alternatives as we discuss Regulatory Amendment 9 for consideration for inclusion. Thank you, Jack. All right, any further discussion? **Any objection to that motion? I see none and that motion is approved.** All right, is that it, Kate?

MS. QUIGLEY: Yes.

MR. BURGESS: I'm sorry I skipped this when I was discussing limiting participation in the black sea bass fishery; and that was if we are going to go down that road and there is limited effort, to possibly for the committee or the council to consider in the future an endorsement similar to the golden tilefish fishery; so that if we do have a limited number of permits, that they would be able to be transferred between snapper grouper permit holders to keep this – so these permits wouldn't lie dormant and that they could possibly benefit fishermen moving from one species to another. It could benefit both sides, the seller and the buyer. I would like to see that explored in the future.

MR. CURRIN: Okay, just as a note to staff to kind of keep that on the burner as we move forward and at the appropriate time to perhaps develop some alternatives to consider endorsements in the black sea bass pot fishery. I think that is your suggestion, Tom, rather than trying to incorporate that at this point into Amendment 18. All right, keep it on the burner.

All right, anything else on 18? We've got to decide what we're going to do, folks, and whether we want to try to move this thing along. Monica, did you or Roy or anyone see anything in here other than the fisheries management unit that would preclude us from trying to move this forward and have public hearings in October and November of this year?

MS. SMIT-BRUNELLO: Roy didn't talk to me before he stepped out; but other than the concerns I initially addressed, which I think you've addressed by having staff look at the various alternatives and all that and other management actions that could apply, I have no advice further on that.

MR. CURRIN: Okay, at this point; and, again, although it seems like we've been working on this thing for years, we're probably at a point where we're ready to send this thing out and get some public comment on it under the advice – or as per the advice we received from Roy and Monica want to consider moving or removing the extension of the fisheries management unit into either I guess 18B or somewhere else. What's the committee's desire? Ben.

MR. HARTIG: **I have one item that I neglected to put in under tilefish – and if I may, Mr. Chairman – trip limits for the hook-and-line fishery, introduce three alternatives; number one, 300 pounds; number 2, 400 pounds; number three, 500 pounds.**

MR. CURRIN: Motion by Ben to include a series of alternatives under the golden tilefish actions to establish trip limits for the hook-and-line fishery of 300, 400 and 500 pounds. Is there a second? Second by Mark. Discussion? Ben.

MR. HARTIG: Yes, for the record, some way – if we have a problem with that fishery – of stretching it out as long as we can in the season using restricted trip limits to do so or some kind of form of trip limit.

MR. CURRIN: Yes, I think they're currently set up in those actions as 300 pounds, but this would allow some expansion if it were selected. Brian.

DR. CHEUVRONT: So the reason why you want to do this in the hook-and-line fishery is to extend the season, but we don't want to do something similar to the longline fishery. I don't see the logic of why we would do it for one gear type and not the other if the goal is to extend the fishery.

MR. HARTIG: The longline fishery basically has been happy with the way their trip limits have been – you know, what they've been able to do with them. Now, there may be some in other parts of the range that I haven't talked to that may have an objection to that and may want smaller trip limits. Basically, if you're fishing off South Carolina, you're going to have to have the higher trip limit because you've got to go so much farther offshore. I didn't see any impetus from the longline fishermen to ask for any change in trip limits.

MR. CURRIN: Ben, based on our earlier discussion and the way the hook-and-line fishery is operating now with 300-pound trip limits, any concern that perhaps 300 may be too high. Do you want to consider something lower as well or not? Is everybody comfortable 300 as a minimum or the lower limit, rather?

MR. HARTIG: Yes, 300 would be the lower limit and probably not.

MR. PHILLIPS: Mr. Chairman, do we also want to, for law enforcement, put the number of fish in here for these corresponding pounds?

MR. CURRIN: Yes, there is a conversion, Rick, indicated that is available so, yes, with a note to staff we can have some conversions to number of fish and utilize that. That's a good suggestion; thank you, if that's okay with everybody. Any further discussion on the motion? **Any objection to that motion. I see none; the motion is approved then.**

All right, back to the big bear and we want to deal with the extension of the fisheries management unit; two options, as I see it, folks. We can forget it, as Dr. Crabtree indicated, and monitor what is going on up there so that as landings develop, if they develop, then we can take action then or we can move this issue and try to get the most updated landings. As Wilson

indicated, he has requested from Virginia some landings on snowies and blueline tiles most recently, if we can get them. We can consider it in an 18B scenario. Charlie.

MR. PHILLIPS: Mr. Chairman, for purpose of discussion, I would make a motion that we table that part and take it out.

MR. CURRIN: The motion by Charlie, as I understand it, is to remove Actions 1 through 3, old 3, 1 through old 3 from Amendment 18. We're going to try to get some clarification of exactly what those actions were. Wilson, did you get some information from Joe Grist? Go ahead while we're getting this straight and share that with us.

DR. LANEY: Mr. Chairman, I'll just read this into record; it's not that long. Maybe the simplest thing is for me just to forward this to the entire council, but this is from Joe Cimino. This is what he said; that he is attaching a file for the requested species. He pulled some commercial landings from ACCSP's Data Warehouse. He also attached a summary for NMFS party and charter VTR data. They only have those data through 2008.

"We have strong anecdotal evidence that the harvest is dominated by the recreational fishery and that the fish kept are greatly underreported. As you may be aware, VMRC has put in a permit requirement for all recreational fishermen as well with reporting requirements. I believe there were over 100 permits issued for 2010, both private and charter. Although there are abundant catch reports on the recreational bragging boards, with pictures, there are few reports coming in an official capacity to VMRC." He said, "This is the quick version. If you any questions or further requests, please just let me know."

Let me look at the table real quickly, but then I'll forward this to everybody. What he has sent here is for Virginia party, Virginia charter from '95 through 2007, and it looks like you can see the numbers go up as time progresses there. Numbers landed for 2007 for Maine through North Carolina; party, 1,260; for Maine through North Carolina charter, 4,932. That's in numbers.

The other species included are blackbelly, rosefish, snowy grouper, grouper unclassified, sheepshead, golden tile, blueline tile, wreckfish, and those numbers vary, as you might expect. Well, the blueline tilefish numbers are actually – the grand total, 25,707, and that is for 2005-2010. I'll send this to everybody on the council.

MR. CURRIN: I don't know what the first numbers you gave us were, the 1,200 and 4,000, but the bluelines you just indicated were 25,000 between '95 and 2007?

DR. LANEY: Yes, blueline tilefish, total – and this is numbers – for the years 2005-2020, 25,707. You were asking about wreckfish; they had 468 wreckfish reported for 2007. There are no wreckfish reported for any other year.

MR. CURRIN: And those are all partyboats; he didn't have commercial landings?

DR. LANEY: No, that number I just gave you is commercial landings.

MR. CURRIN: For?

DR. LANEY: For 2005-2010, just for Virginia based on SAFIS reporting.

MR. CURRIN: So the 25,000, then to be straight in my mind, is 25,000 fish between 2005 and 2010 for blueline tilefish, commercial landings?

DR. LANEY: Correct.

MR. CUPKA: For Virginia?

DR. LANEY: Yes, just for Virginia.

MR. CURRIN: Well, let's send them around.

DR. LANEY: Yes, I'll send it to everybody and you all can look. There is a table plus his message.

MR. WAUGH: Mr. Chairman, the only reason this action is in here is because the guidance we have received when we started working on this was that fish – the Magnuson Act requires you to account for all mortality. Your ACLs have to account for all mortality; so for species that occur north of North Carolina that are not separated by stock – and there are a couple that are black sea bass and scup and golden tilefish.

But for the others the advice we have received is that those fish will count towards our ACL. That's the sole reason for this being in here. You have very low ACLs; so if those fish are going to count, you want this in here. If those fish are not going count, then you don't need it in here. I would suggest you get a clear yes or no of whether those fish are going to count or not before you pull this out.

MS. SMIT-BRUNELLO: Well, I guess I have two questions. The second question I'll ask first. When you're going to pull those actions out, you may very well put them in another amendment, correct, or another vehicle?

MR. CURRIN: Well, Charlie's motion – and it hasn't been seconded yet, I don't think – was to remove all the FMU extension actions from Amendment 18. So far, according to the motion, there is no intent to do anything else with it at this point.

MS. SMIT-BRUNELLO: Okay, so to get to Gregg's question as well, I don't believe I've given the council advice that they have to count this northern expansion caught fish against the current ACL because those numbers were not taken into account in either the SEDAR assessments or when you were setting your ACL for the South Atlantic area.

I would think as you get more information you're going to have to derive some sort of – parse out some sort of piece of the ACL, expanded ACL, if you will, for that specific area – I think

that's what one of the actions alluded to or discussed – and potentially let the Mid-Atlantic make the management measures if necessary to keep you within that ACL amount.

MR. CURRIN: Well, that was kind of the intent here. I think in fact when I asked that very same question earlier, there were some landings from Virginia that were included. They were at an extremely level. Whether they were in that assessment or not wouldn't have made an iota of difference, I don't believe, but they were acknowledged and they were included in the assessment. They were at a very low level, as best I recall. Gregg.

MR. WAUGH: And so 17B that is I think about to start the formal review period, that will implement ACLs for snowy and golden tile. Assuming 17B is implemented, when that becomes effective, will we be counting fish north of North Carolina towards those ACLs?

MS. SMIT-BRUNELLO: And I think no. I mean just what I said and maybe I wasn't very clear. It's kind of difficult when you read the new guidelines for National Standard 1. The only place where this kind of issue comes up – and it's discussed in like a state-federal situation where you don't have control over the state fishery and what are you supposed to do when you set your ACL.

Their idea, at least under the Fishery Service, was, well, you could set an ACL that encompasses the state landings, but you don't have control over that, so it's not specifically required that you deal with it that way; so I was thinking, well, all right, what we are going to do in this situation when you've set an ACL based on the information you have for the landings where 99.9 percent of them occurred in the South Atlantic's area, so you set the ACL for the South Atlantic area.

At some when you get more information on the northern expansion, if that's the way you go, then you would potentially maybe even increase your ACL or not increase it, but you'll take into account the landings from that area. Those will go into SEDAR assessments and then you'll be better able and equipped to have enough information to set an informed decision for what the ACL should be in that area. Otherwise, aren't you sort of – well, I'll just leave it at that.

MR. CURRIN: Thank you. Let's see if we can – Charlie, do you want to try to clarify your motion since you're in the process of making that now.

MR. PHILLIPS: Well, my idea was to take out of 18 and let's sit and watch it; and the Mid-Atlantic Council wants to take it and run, fine. If they don't and we need to put it in something somewhere else, then we will do it. That's kind of my intention.

MR. WAUGH: But, Charlie, the Mid-Atlantic doesn't have to do anything. You're the one that's going to pay the price for it because you have had the opportunity to manage those fish and account for it. This has already been out to one round of public hearings. As a committee and then the council, if it's approved, you're deciding not to put any program in place to limit that mortality north of North Carolina, so you're choosing not to do that. If we have to start accounting for that mortality, even if it's when the next stock assessment is done, then you're going to have to put something in place; not the Mid-Atlantic, it's going to be us.

MR. CURRIN: Gregg, we had some discussion when you weren't here this morning and Red was facing all the intricacies of that action now as it expanded and permit requirements, perhaps, and he said that it may provide some impetus to the Mid-Atlantic Council to add those species to an existing golden tilefish plan or may consider trying to manage those species on their own. I don't know; that's another wrinkle. Roy.

DR. CRABTREE: Charlie, would you be okay with just a modification to where we take those actions out of Amendment 18 and put them in Amendment 18B so we can keep working on it and we'll decide, but we don't hold up the rest of this stuff.

MR. PHILLIPS: Absolutely.

MR. CURRIN: **Okay, so Charlie's motion, as I understand it now, is to remove Actions 1 through 2 regarding the northern expansion and EFH actions from Amendment 18 and put them into new Amendment 18B.** Is there a second to that motion? Second by Red Munden. Further discussion? Red.

MR. MUNDEN: Mr. Chairman, my second for this motion is a very strong feeling and desire to get more information before we move ahead. I think it would be inappropriate to move ahead with 18 at this point in time. I think this will give us a chance to incorporate the additional data that are available, the Virginia data. They're starting to collect more information now than they were several years ago. I would support this motion.

MR. CURRIN: Further discussion on the motion to move the actions from Amendment 18 into new Amendment 18B? Monica.

MS. SMIT-BRUNELLO: I guess I have some questions on a number of the actions, apart from these two, that are in Amendment 18. You have asked staff to bring back more information so that you would have it at the December meeting, correct?

MR. CURRIN: Well, we've asked them to develop some additional alternatives, yes.

MS. SMIT-BRUNELLO: So you're not in any position to approve the rest of Amendment 18 apart from these two actions out for public hearing right now, so you're not going to have public hearings done this fall, correct?

MR. CURRIN: I thought I asked you that question a little while ago and whether there were other things in 18 that would preclude us from moving these to public hearing, and I believe your answer was nothing that you saw other than the fisheries management unit extension, but you're saying that's different now?

MS. SMIT-BRUNELLO: Well, perhaps I didn't understand the question you were asking me then. If you're going to have staff – let me ask this question. Will you need to see the alternatives that staff develops again before you go out to public hearing on this amendment, apart from these actions? Will you need to see this document again in December in order to

approve for public hearing or is it your intent that it is sufficient now, apart from these actions, to approve for public hearing?

MR. CURRIN: Well, the alternatives that were added I think were very explicit and clear. Everybody seemed to understand them; they were straightforward. I don't know what kind of analysis of those we might be able to see at our next meeting that would change my opinion of whether we should send them to the public. I have a hard time envisioning that there would be a new analysis popping up that would change my intention to send those to public hearing. That's just my opinion. Maybe I shouldn't feel that way.

MS. SMIT-BRUNELLO: Okay, because I had assumed, I guess incorrectly, that you would need to see that document again before you sent it out to public hearing. If you do not, then I think it would be advisable to separate these out into Amendment 18B. If you need to see them again, the other actions, then I'm not sure that you might not want to keep the amendment together and see the whole thing in December. I guess it's up to you as to what you want to do.

MR. CURRIN: Well, I don't know how the rest of the committee feels about it and we probably should have some discussion of that. David.

MR. CUPKA: My understand I think was very similar if not the same as yours, Mac, that we were trying to get this in a position where we could move forward with it; and we were going to wait and go through the other actions and see if we made any major changes or anything. I mean, we added some alternatives but they were pretty explicit, I think, so I was hoping we could get to the point where we could move this document ahead at this meeting. That was kind of my intention and I hope we can do that; but if General Counsel thinks we can't, then so be it, but I would hope we could move forward with it; at least take it out to public hearing.

MR. CURRIN: Yes, we did add the one action that Tom suggested – I guess it would be Action 6A or however they're renumbered – regarding the qualifying poundage requirements. We did see some indication from those based on some preliminary numbers from recent years, but I think everybody has a good understanding about the range of participation that is going to result in. Even knowing exactly what those numbers are right now for those five poundage limits or requirements, I don't think that would cause me to say we need to remove that action, that it shouldn't be considered or sent to the public. Roy, you had a comment.

DR. CRABTREE: There are no real hard-and-fast requirements at what stage you can send a document to public hearing. You can take a document out to public hearing whenever you feel ready to. I'll support the motion provided we're going to take Amendment 18 on out to public hearing. If we were going to wait on Amendment 18 until the next meeting, then I would move to table this until the next meeting, but it sounds like we're going to split these two actions into 18B and then we're going to take the rest of this stuff and go to public hearing, right?

MR. CURRIN: That was my understanding, Roy.

DR. CRABTREE: Okay, well, I will support the motion if that's what we're doing.

MS. SMIT-BRUNELLO: Just a quick question, Ben added some trip limit requirements I believe for the hook-and-line, golden tilefish hook and line. Would that be put into this amendment or would that be into the Regulatory Amendment 9 I guess they were talking about?

MR. CURRIN: I think the intent was to add those into 18 because 18 has so many other issues dealing with golden tilefish, and that particular motion he had I think bears on – or that set of alternatives bears on many of the other alternatives that are being considered in Amendment 18.

MS. SMIT-BRUNELLO: Okay, I've asked enough questions; so Roy is right, there are no hard-and-fast rules in the Magnuson Act that say what the document has to contain in order to go out for public hearing. If you're comfortable with allowing staff to add those in and they think they can do the analysis to the extent that they can complete it in order for public hearings this fall, then that's fine.

MR. CURRIN: To me that's the most salient question, and that would be to Kate and the staff and the team is whether they think the analysis can be completed in time for public hearings. At least with one action on black sea bass that Tom brought up, which is one of the major ones that we haven't really looked at before, Jack indicated that he thought that could be done.

Is everybody comfortable with the discussion that we've have had as to how we're going to proceed with this; and that if we move this contentious action out in another amendment, that the rest of 18, you would be comfortable with sending that to public hearing in October and November and staff is comfortable with being able to complete the sufficient analysis to inform the public as to what these actions are going to do? You okay with, Kate?

MS. QUIGLEY: Yes, Jack, how do you feel about the golden tilefish trip limits?

DR. McGOVERN: I think the biological analysis can be done. I can't speak for the economic or social, but we can do the biological pretty quickly.

MS. QUIGLEY: I think we can cover the economic and social as long as we have the biological numbers.

MR. CURRIN: All right, thank you. All right, everybody is cool with that then? Does everybody understand the motion and the intention of the direction? We'll need another motion to send 18 out to public hearing after this, but let's deal with Charlie's motion to move the expansion and EFH actions from Amendment 18 into a new Amendment 18B. Any further discussion? **Any objection to that motion? I see none and that motion is approved.** Roy.

DR. CRABTREE: Just for the record, I guess Amendment 18 becomes Amendment 18A.

MR. CURRIN: Thank you, Roy. Okay, anything else we need to do, Kate, or anyone else before we entertain a motion to approve Amendment 18A for public hearing? David.

MR. CUPKA: **Mr. Chairman, I would like to make a motion that we approved Amendment 18A to go forward to public hearing with the staff to add the new alternatives.**

MR. CURRIN: Motion by David and second by Duane. **Discussion on that motion? Any objection to that motion? I see none and the motion is approved.** My only objection is it adds one more amendment to the Snapper Grouper Committee's plate, but it's not a totally new amendment which is a good thing. Roy.

DR. CRABTREE: I don't think any of us know quite what to do with Amendment 18B now; but I know a lot of things in Amendment A, we have been working on them it seems like for years, that black sea bass stuff, and I just think it's time that we need to get that stuff taken care of.

MR. CURRIN: Well, I think that's why you heard the arguments to try to move this thing forward and the vote to approve it for public hearing right now or recommend to the council to do that. All right, is that it, Kate, on 18? All right, we'll move into Amendment 20. That's Attachment 5.

MS. QUIGLEY: Okay, Amendment 20, wreckfish, we've got pretty much the same actions and alternatives as the last time except we added alternatives that the council requested that were devised at the Wreckfish Shareholders Meeting. That's under Action 4. We have added Alternative 6 and Alternative 7 which deal with what to do with deceased shareholders' shares and shareholders that cannot be contacted shares. We added those two alternatives.

To accompany that, Andy Strelcheck and Janet Miller of the National Marine Fisheries Service attempted to contact all shareholders. They put in a number of phone calls to wreckfish shareholders to see who is participating in the fishery and who can be contacted and who cannot. I've got a table up here on the screen that shows that the number of active wreckfish permit owners is 14, and they own collectively 57 percent of the shares out of 100 percent.

Others have been contacted or NMFS staff was actually able to leave a message; may not have actually talked with them, but they were able to leave a message and it sounded like that phone belonged to the wreckfish shareholder. That's eight shareholders and they own 24 percent of shares. Regarding the number of people deceased, there have been two people deceased, but one of those shares was jointly held, so really one person deceased that owned 7.3 percent of wreckfish shares.

Then there were five shareholders that had disconnected or clearly wrong number, and they hold 12 percent of shares. When we're talking about the number of people that aren't able to be contacted or deceased shareholders, we're talking about six individuals that hold approximately 19.3 percent of the wreckfish shares.

The IPT is looking to the council to clarify any changes they would like to the options paper as it is written right now, actions and alternatives, and also if they would like any further research done or have any ideas for additional alternatives to put under reapportionment of ITQ shares. Of course, this is all under the background of the SSC making a recommendation of 250,000 pounds of wreckfish as an ABC recommendation, down from the 2 million pound TAC.

MR. CURRIN: Okay, so what you need then with that background and the information you've gathered are comments and suggestions on Action 4, reapportionment of ITQ shares. That is on

Page 32 of Attachment 5, and those highlighted alternatives are new suggestions or new alternatives suggested by three of the shareholders for consideration in the amendment for reapportionment; is that correct?

MS. QUIGLEY: Yes, and actually you already added them. You requested that they be added so they've already been added.

MR. CURRIN: Is everybody comfortable, Kate, that we have exhausted every reasonable attempt to locate the permit holders that we so far have not been able to locate; we've taken all the steps that we know we can reasonably take to try to identify these people and we're prepared to just say that we can't contact them and we're going to write them off?

MS. QUIGLEY: I think there is consensus among NMFS staff and myself and Mike Travis that the same people we have been unable to contact over the past two years we're still not able to contact them. There are some people that we've left messages for. They exist; we have not talked to them, and so I put them in a different category.

MR. CUPKA: I guess, Mac, I'd like to ask Monica just what our obligations are to these people that we can't contact. If we can't get in touch with them, are we going to be held hostage to that forever? What options, if any, do we have or obligations or commitments to those people?

MS. SMIT-BRUNELLO: Well, they have obligations to keep the Fishery Service informed of a current address and all those sorts of things; so I think that if you take an action in this amendment to do whatever with those shares, you can deal with those. I'll review with Andy Strelcheck and Janet Miller all the methods they went through, and we'll make sure that it complies with the Administrative Procedure Act and all those sorts of things in terms of trying to contact them.

How can you give people notice when you try and try and they don't respond back because they're either not there or they're not interested anymore of whatever? We'll make sure that legally you're covered in terms of redistributing their shares, revoking their shares, doing whatever you're going to do to those shares.

MR. CURRIN: That may be the best method of locating these people, David, is to threaten to do something with their permits or shares. George.

MR. GEIGER: Mr. Chairman, in tripping through the document I was unable again to find any reference to a recreational allocation of wreckfish. Is it in here somewhere that I've missed?

MS. QUIGLEY: Those were moved to the Comprehensive ACL Amendment because it had to do with management measures for recreational and it had to do with allocation between commercial and recreational. That's in there as well. The allocation between commercial and recreational is in the Comprehensive ACL as well as the management measures for recreational fishermen if they do receive an allocation.

MR. CURRIN: All right, so we don't need to go through these actions to see if there are – or we can ask the committee if you have any suggestions to add, change or delete alternatives and/or actions in Amendment 20 at this point. Brian.

DR. CHEUVRONT: I just want to get clarification. Kate, are you asking us to make a motion to include Alternative 6 and 7?

MS. QUIGLEY: No, those have already been included. I simply highlighted them or order to remind myself to bring up that table. Yes, these actions and alternatives, other than adding this in, have not changed since the last time, so I'm not sure there is a reason to go through them one by one because they haven't changed at all. If you do have suggestions and changes you'd like to see made to the actions and alternatives, then right now would be the time to bring those up.

MR. CURRIN: Thank you and I'll make that request to the committee at this point. Any changes you want to see in Amendment 20 at this point? Monica.

MS. SMIT-BRUNELLO: Kate, isn't there something a little bit later in the document that talks about saving a percentage of the ITQ for new entrants into the fishery? Would the council want to consider instead of redistributing these shares to current shareholders potentially putting them into a pool for new entrants into the fishery?

MR. CURRIN: That certainly would seem like a reasonable alternative. Charlie.

MR. PHILLIPS: To Monica's point, I'd like to see staff give us some options on how to do that, whether we auction them off to people with snapper grouper permits and just have some options to look at. Yes, I think that would be something that we'd like to look at.

MR. CURRIN: Everybody okay with that; do you need a motion to add some alternatives to utilize the shares from people that we can't contact, provide those to a pool available to new entrants? Kate.

MS. QUIGLEY: We can do that and flesh that out. Action 17 is the new entrants' program that talks about auctioning, but it's not specific to using deceased shareholders and shareholders were not able to be contacted. We can tie those together and create some new actions and alternatives.

MR. CURRIN: Motion to accomplish that, David.

MR. CUPKA: Well, I was just going to say I wouldn't have a problem with that. The only thing I guess that gives me a little bit of problem is the fact that we now have an ABC that's so low that anything we take away from that – I mean if we did take those shares and redistributed them to existing ones, it might help a little bit because they're already way down from 2 million to 250,000 pounds. It's just something to think of.

MR. CURRIN: And I think there are alternatives in there, Kate, to redistribute those to the current shareholders; a number of alternatives that would allow that. This would just provide another option or some way to deal with it. David.

MR. CUPKA: And I realize that, but if you want to add another alternative, I'll make a motion to do that; that we add another alternative in that same action to instead of redistributing them to put them a new entrants' program, to take those shares from those people and put them into a new entrants' program. Again, I don't know if I'd want to support it given the ABC, but it would give us another alternative to look at.

MR. CURRIN: Then I'll ask somebody else on the committee if they're interested in offering a motion, so you don't get crossways on that somewhere in the future. Is that something that you'd like to see considered?

**MR. HARRIS: Yes, I'd so move, Mr. Chairman, that we create a new action and alternatives to auction off shares belonging to deceased or uncontactable shareholders and/or allocate shares to a new entrant program.**

MR. CURRIN: Okay, is there a second; second by Charlie. Doug.

MR. HAYMANS: Is there a policy which directs the amount of time required to contact somebody?

MS. SMIT-BRUNELLO: The regulations contain – when there is a change in information; for example, you move to a new address or something like that, you're supposed to notify the permits office within 30 days of doing that. I will tell you that in practice sometimes that is not always followed.

MR. HAYMANS: So does that mean that whenever the permit expires, if the individual hasn't renewed I guess within 30 days, they've lost their share.

MS. SMIT-BRUNELLO: For example, with the snapper grouper permit you used to have 60 days to renew and now that's a one-year renewal period. The wreckfish permit, I'll check, I think it's an annual permit, but it doesn't necessarily have an expiration date tied to it, so maybe that's something we want to look at.

DR. CRABTREE: And so you have to have a snapper grouper permit to participate in the Wreckfish IFQ. If we haven't heard from somebody within a year of the expiration date of their snapper grouper now, then they would lose that. I don't know if their wreckfish shares, I guess just hang out there, but if we could come in and tie those things somehow so that it didn't happen, but in most every fishery we have, if we lose contact with you for a year you're going to eventually lose your permit and you're gone.

MR. HAYMANS: So why is this really necessary? I mean, if they lose their snapper grouper permit, they've lost their share.

DR. CRABTREE: Well, the question, though, is then what happens to those shares? If they've lost them, do they just kick into pool or do you use them to allow new people to come in I think is what that is getting at.

MR. HAYMANS: Right, but at that point they're not uncontactable. They are no longer interested in the fishery by the fact that they haven't renewed their permit.

DR. CRABTREE: Yes, I think the problem with wreckfish, though, is even though their snapper grouper permit went away, their wreckfish shares are still sitting there because there is no provision to renew those, I guess.

MS. SMIT-BRUNELLO: Well, right, and remember the whole discussion we had about a wreckfish permit is a separate permit from the snapper grouper permit. If you want to commercially sell your wreckfish, you need the commercial snapper grouper permit to be exempt from the bag limits in order to sell your wreckfish, so theoretically you can have a wreckfish permit out there with – it has got to have ITQ – it's got to be a quota associated with it and all that, but you maybe were a charterboat fisherman and you weren't going to sell your wreckfish harvested. I mean this is a little odd, but it could happen. There might be a slight disconnect in there that we should explore at least and we could bring back to you at the next meeting.

MS. QUIGLEY: And in the document under administrative actions we've talked about getting rid of the wreckfish permit in the long run and a number of other administrative changes that would really streamline this program.

MR. CURRIN: Any further discussion on this motion? The motion is to create a new action and alternatives to auction off shares belonging to deceased and uncontactable shareholders and/or allocate shares to a new entrant program. **Is there any objection to that motion? I see none and that motion is approved.** All right, what else on Amendment 20 at this point? That's all you need?

No other actions or alternatives suggested by the committee for Amendment 20? All right, I see nothing. We've got 15 or 20 minutes that we get into the Comprehensive ACL Amendment. That's Attachments 1 and then 6 through 8. Attachment 1 I believe is the SSC report; is that correct?

MR. DeVICTOR: Yes. Okay, Attachment 6, PDF Page 152; this is the Comprehensive ACL Amendment. Again, the amendment is comprehensive in the sense that it amends snapper grouper, sargassum, golden crab, dolphin and wahoo. What we'll do is I'll go through the snapper grouper actions and then Gregg will switch over and go through dolphin and wahoo and golden crab.

Now, there are 46 actions to this amendment so we're going to try to move as fast as I can through these, but we do need to talk about a lot of these. Again, this involves the tiering process where the choice you make with which species you kick out of the fishery management unit affects the species groupings which in turn affects – if you specify an ACL for a group or for one particular species and then the AMs, so it's all tiered together, so it's important to get preferred alternatives up front and that would help out the team.

Again, it's on Page 152. You have seen these alternatives, but, again, it would take out species, and we have it on the screen there. Alternative 2 would take out species of the Snapper Grouper

FMU with 95 percent or greater of landings in state waters; Alternative 3 would be 90 percent, and you can see the two species that would add, which is sailors choice and lesser amberjack; Alternative 4 is your preferred.

MR. GEIGER: Mr. Chairman, before we get into the throes of eliminating species, in reading this, I didn't see – and help me understand; I might have missed it – any process for including the eliminated species back and under what criteria they would be added back into the unit. If we eliminate a particular species from the FMU and we're looking at some point down the road, what is the qualifier and what is the discriminator that requires us – or the process that would allow us to include that species back in? I didn't see that included anywhere.

MR. CURRIN: That's not in there but I think it's something that we definitely should consider –

MR. GEIGER: Yes.

MR. CURRIN: – when landings reach some level. The only thing that occurred to me regarding the same thing is that we do need to monitor landings of those species.

MR. GEIGER: And I don't know how to do it. I'm just trying to make sure we don't skip over it. Maybe staff needs to work on that at some point between now and the next meeting to develop a process whereby we have a cutoff for identification of a species to be included back and the process.

MR. BOYLES: I'm trying to decide if you want a motion, Mr. Chairman, to further that or if guidance to staff is the threshold 70 percent or greater landings, 80 percent or greater or a range – do you want a motion; and if so I'll make one, but if guidance to staff is sufficient, that's fine, too.

MR. CURRIN: It depends on whether staff is comfortable with that.

MR. DeVICTOR: Yes, a motion would be good. I'm not sure; you want to add a particular action to this amendment that would automatically put it back in, and I assume that you would use the same criteria that you have here for kicking it out for putting it back in. I'm just not sure if you want to add this here or you just evaluate it along the way and then at some point you make a choice to put them back in. My question is do you want to add something right now to the amendment to make it automatic?

MR. CURRIN: Monica, you had some insight on this. I suspect that this issue has been dealt with somewhere in the federal system in the past.

MS. SMIT-BRUNELLO: If it has, it is news to me, but it probably has. I'm just not aware of it. I don't want to curtail any discussion but maybe you want to make this more of a policy statement on behalf of the council rather than some sort of action, and that's only because there could be some unforeseen circumstance come up where you find some new information that's not necessarily based on landings but it gives us pause to think that maybe you should be regulating that particular fish in the fishery management unit for some reason. I would hate to

see you kind of tie your hands to the extent that you would just be basing it on landings and there might be other things out there. Maybe it could be a policy, one of the objectives of the FMP or something like that rather than a specific action.

MR. CURRIN: I share the same concern, George, and I certainly want to make sure that we're at the very least tracking these on a regular basis so that we can identify any kind of problems, whether it be increased landings, total lack of landings which may indicate a problem as well.

**MR. BOYLES: Mr. Chairman, just to move us along I would make a motion that the committee recommend to council the development or establishment of a policy whereby if there is a species that is outside the FMU landings of which 70 or percent greater are derived from federal waters in the EEZ that we would consider adding them to the fishery management unit.**

MR. CURRIN: Motion by Robert; second by George. Discussion? Roy.

DR. CRABTREE: I guess I would probably oppose the motion. There is a whole set of criteria in the National Standard Guidelines about what you're supposed to look at when you decide whether a species should be included in the fishery management unit or not. I think the problem we have is I don't think those were really looked at much when these things were put into the plan to begin with.

I think it's a lot more complicated than just a 70 percent landings kind of issue. I just think this is a more complicated thing. I guess we could develop a policy or something, but I would think you want to go through the guidelines pretty carefully. I think I wouldn't get into that in this document right now.

MR. CURRIN: And I understand that it probably could be much more complicated than this would indicate. Plus, this motion I think only addresses one of those situations where we're removing fish, and that is state waters.

DR. CRABTREE: And just to follow up, if you had a very valuable product like spiny lobster or something and even though most of it is coming from state waters, you could have a situation where vessels are coming from other regions and fishing the EEZ and the state is unable to regulate. I just think it's a complicated situation that you have to look at on a fishery-by-fishery basis.

MR. CURRIN: I think from my perspective, my desire would be to just put us in a position that we're made aware of major changes, whether it's landings, distribution of landings from the states to the EEZ, just some changes in the fishery that would cause us to consider adding these fish back in and maybe not trying to do it automatically. Maybe trying to do it automatically causes a lot of problems, I can see that.

DR. CRABTREE: Yes, and I think that comes back to the discussion the other day of the SAFE reports and status and trends. That might be something to think about when you're putting

together your letter in terms of what you want to look at is the breakdown of state waters versus federal waters or something like that so you can review that.

MR. GEIGER: And I appreciate Dr. Crabtree's concern about the complexities associated with doing this, and they probably far exceed that. I'm not wedded to including anything in this document. I bring it up purely as something I think we need to pay attention, but I'm not prepared to just say, well, we'll take care of it if it happens because I'm not sure we're going to know when it happens. We're so busy doing so many things, how are we ever going to know? I would feel more comfortable if there was some form of a mechanism in place.

DR. CHEUVRONT: If we modified this motion so that we took out some of the words – let me just give you a suggested reading, and that might help us on this issue – “recommend the development of a policy whereby a species outside the FMU” and then strike the next words until “is considered for inclusion”, so that it's a pretty broad thing that we can take into account what the federal guidelines are. It doesn't sound to me like we need to even put it into this amendment, but we need a policy somewhere. I think George is right that we need to figure out how we're going to put something into the FMU.

MR. CURRIN: So is that a substitute motion, Brian?

DR. CHEUVRONT: Sure, I'll offer that as a substitute motion.

MR. GEIGER: And I'll second that one, too.

MR. CURRIN: Brian, do you want to go ahead and restate that so Kate can capture it.

DR. CHEUVRONT: **Okay, I'm offering a substitute motion that the committee recommends development or establishment of a policy whereby a species outside the FMU is considered for inclusion.**

MR. CURRIN: George seconds. Okay, discussion on this motion? We already have this option, folks, as you well know, but I think what this will provide hopefully is some thought to develop or identify potential triggers that would give us concern to consider bringing these things back in. We will ask the staff and the region and the science center and all the committee and council members to give some thought to what needs to be included in this policy and how it might be tracked.

Roy had a suggestion I think regarding the request to the science center on the SAFE reports or status and trends or however that ends up the information we get. We need to think about what form that might take to inform us better to enable us to make these decisions. Further discussion on the motion? **Any objection to the motion? The motion is approved and is now the main motion. Any discussion on the motion? Any objection to the motion? I see none and that motion is approved.**

Thank you, George, that addresses some my concerns I had as well when we talk about removing these things from the management unit. Okay, we'll take a break for lunch, Mr. Chairman, and then come back at 1:30 ready to go.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Topaz Room of the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday afternoon, September 15, 2010, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Let's reconvene the Snapper Grouper Committee. We'll start on Page 152 of Attachment 6, Comprehensive ACL; the first action, removal of species from the fishery management unit.

MR. DeVICTOR: I ran through these alternatives before we went to lunch. We have five alternatives. Alternative 4 and Alternative 5 are your current preferreds, so we want to see if there are any changes to that.

MR. CURRIN: Everybody comfortable with where we are as far as preferreds? Four removes species from the unit that have 80 percent or greater of landings in state waters. Five removes all the Florida marine life species. Everybody good? All right, let's go.

MR. DeVICTOR: The next action is on PDF Page 165, and this deal with the ecosystem component species. We've been through these alternatives before, but there are five alternatives; Alternative 1 being no action; Alternative 5 being the preferred, which would designate snapper grouper species with state and federal landings that are less than or equal to 10,000 pounds as EC species.

We included the criteria that is in the National Standard 1 Guidelines where you see to be considered an EC species the species should – and you can see the four components there. I won't go through those. What SERO did – and you're going to have to scroll down a bit more – they went through each of those four components. This is on PDF Page 178.

They gave a score to these; so if a species fell not complying with one of the four that are in National Standard 1 Guidelines, they gave it a one. Let's go through almaco jack as an example. It says it should be a non-targeted species or non-targeted stock, so they felt almaco jack they felt was, so they gave it a one.

Not to be determined to be subject to overfishing, approaching overfished, that was given a zero; not likely to become subject to overfishing or overfished, and that was given a one; not generally to be retained for sale or personal use, that was given a one. You see the score there is three. Just keep this in mind, the only species that were given a zero would qualify, it seems like, for EC would have a zero, so you can see that's French grunt and I think bluestriped grunt is another.

MR. HARRIS: So we're still stuck with puddingwife?

MR. DeVICTOR: No, again, this is for EC species. It's just something use. You may want to add an alternative that would specify EC as the ones that qualify for zero and then add ones that have a one, too. You can add certain alternatives. Something else I would point out is that – and, again, sorry to jump around, but there is a lot here.

If you go to PDF Page 174, here is a table that falls under – this is your current preferred alternative for taking out species and also specifying EC species. You can in see in red in the table of species that you would take out – green is EC – and you see the purple color, I guess it is, that fall under both, and so we need some discussion on what to do under species that fall under both.

You could add a statement possibly that if it falls under both, according to your preferred alternatives you could remove it. For example, that would be one way to fix that. Those are a couple of things I wanted to point out, but you do have preferred alternatives for the EC designations.

MR. CURRIN: Well, let's handle that last issue first, if we can. How do you want to deal with that? If it falls under removal and some other designation, for example ecosystem species, what is your pleasure? To remove it; what do you think? George.

MR. GEIGER: Yes, I'm comfortable with removing it predicated on the fact that we're going to have a policy how to get it back in if we need to. We need to get it down as small as possible.

DR. CRABTREE: Yes, I agree with George. It seems to me if we remove it, then that trumps EC.

MR. CURRIN: That makes the most sense to me as well. Anybody want to offer a motion to proceed in that manner? George.

MR. GEIGER: **Yes, so move, Mr. Chairman; I move that we remove the species that fall under both designations, remove them from the plan.**

MR. CURRIN: Motion by George to remove species from the fisheries management unit that fall under both designations, including the ecosystem species or qualifications to remove it.

MR. GEIGER: Yes.

MR. CURRIN: Second by Mark. Discussion? Everybody is comfortable with that? It certainly makes sense to me. **All right, any objection to that motion? I see none and that motion is approved.**

MR. DeVICTOR: Mutton snapper, I remember a previous motion that we made was to possibly take over that management from the Gulf, I believe. Just look at these species and see if some just don't make sense. I think that is going to be important and mutton snapper may be one.

DR. CRABTREE: I think with our preferred we'd remove mutton snapper, wouldn't we, so effectively we're leaving it up to Florida. I'm sure, Mark, you guys will do a outstanding job.

MR. CURRIN: Brian, you correct me if I'm wrong and there may be some guys from North Carolina here, and Kenny may be able to answer the question, but I believe I have heard of muttons occurring on occasion as far up as North Carolina. Kenny is nodding his head. I don't think it's a huge component and I think it's relatively rare. That's my impression but it does bring up the issue of how possession, size and bag limits might be dealt with in areas outside of Florida. Roy.

DR. CRABTREE: I guess you could back and just make mutton an exception if you wanted to because it gets big and it's valuable.

MR. CURRIN: And, again, I don't think it's a huge component of the fishery. It's a fairly rare one. As far as the recreational guys are concerned, I guess it's still covered under the composite bag limit for snappers off of our coast; is that correct?

DR. CRABTREE: Well, it is now but if we remove it, it would not be.

MR. PHILLIPS: Actually, I talked to Nick about mutton a little while ago. We do catch a few and it might be something that we want to leave in. I can go either way, but if we take it out I'm guessing there is no more size limit on it or anything else.

MR. CURRIN: That would be the case. Anybody else have concerns? I'm not sure how big a deal it is, and we will have a policy in place to bring it back in if that becomes a problem. That may be sufficient; I don't know. Brian.

DR. CHEUVRONT: Kenny just showed me landings for mutton snapper for North Carolina for the last six or eight years, and the average around 60 pounds a year, so it's not much. Those are just shore landings; okay. That was just Kenny's, so about 60 pounds a year.

MR. CURRIN: Is that one that the committee might want to except from these designations?

MR. CUPKA: I think that ought to counted as an exception. I don't know if you need a motion to that or just –

MR. GEIGER: Why don't we make it a friendly amendment, David?

MR. CURRIN: It would be separate; let's do it under another motion, David.

MR. CUPKA: **I'll move that we include – well, how do we want to do this – that we not remove mutton snapper from the FMU.**

MR. CURRIN: Motion by David to not remove mutton snapper from the FMU; second by Charlie. Any other discussion? Everybody comfortable with that? **All right, any objection to that motion? I see none and that motion is approved.** Are there others in the list that might

qualify for some sort of exception for reasons known to folks on the committee? Any concern about other species? Everybody comfortable with that list as it stands right now? Anything that staff has kind of asterisked that we should consider that we haven't brought up?

MR. DeVICTOR: Something that the IPT has talked about – again, based on what SERO put forward, it may be helpful to add an alternative or two that would be EC alternatives. Say, one could be if it has a score of zero, then that would be one alternative; all the ones with a score one – David brought this up and we're just not sure how Silver Spring is going to react to have so many species that are EC. We're not really sure how that's going to work so it might better to have a wider range and less EC species.

MR. CURRIN: Does that sound like something the committee wants to consider? You have got the table that SERO put together that's got designations and ratings based on the criteria from the Act. Some are zero and there is a handful with ones as well. Clearly, the ones with zero qualify. Perhaps the ones with one might qualify.

DR. CRABTREE: Mac, where is this in the document?

MR. CURRIN: Yes, 178, Roy.

DR. CRABTREE: Yes, I think that's probably a good idea to follow their recommendation and have staff develop a couple of extra alternatives bases on this kind of approach.

MR. CURRIN: **Motion by Roy to ask staff to develop a couple of alternatives based on the table on Page 178 and 179.** Second by David. It makes sense. At least we ought to look at it and consider it. David.

MR. CUPKA: And, again, we've talked about this, too. With the lack of any specific guidelines, this may be a way to find out just where we do draw that line. I think we would definitely be safe with zeroes; but if we include ones, maybe we'll get a little further guidance on what is acceptable as an EC species and what isn't.

MR. CURRIN: Yes, and I think that's a good approach. I think we've got another set of alternatives that we used with landings less than 10,000 that may be push things a little bit further and fine tune the willingness or fine tune the potential guidelines on this. Everybody okay with that?

The motion is to ask staff to develop new alternatives based on the table in the Comprehensive ACL Amendment beginning on Page 178. This is regarding the ecosystem component analysis. No further discussion? **Any objection to that motion? I see none and that motion is approved.**

MR. CURRIN: That's it for that one. All right, the new action.

MR. DeVICTOR: This is on Page 184. This has to do with species groupings and Dr. Farmer is here to give a presentation on the groupings. You can see the alternatives. These are the same

that you saw in June. The IPT's recommendation is to move Alternative 2, 3 and 4 to the rejected alternatives' appendix as they specify groupings – well, first of all, not for all the species, all 73 species, so that's problematic.

Then it has the north, the south, the deepwater geographical split, which we think are problems, too. We recommend retaining Alternative 5, which is on PDF Page 186 – Nick is going to go through this – and then Alternative 6, which is on PDF Page 188. We feel 1, 5 and 6 is a reasonable range.

MR. CURRIN: The recommendation from the IPT is to remove Alternatives 2, 3 and 4. Is there a motion to that effect by somebody who is comfortable with it?

MR. HARRIS: **Mr. Chairman, I move that we remove Alternatives 2, 3 and 4 to the considered but rejected alternatives.**

MR. CURRIN: Motion by Duane and second by George. Further discussion on that motion? Monica.

MS. SMIT-BRUNELLO: Maybe Rick could state why the IPT suggested moving these to the rejected section.

MR. DeVICTOR: That's highlighted underneath Alternative 1. We have language there. We think it is going to be problematic. First of all, it has a north and a south assemblage so it separates groups by geographical range. I believe in one of the papers they separated it by sector, too, so it had a different group per sector.

Plus, I believe Nick probably used some of this information in working up his groupings. He can touch upon that, too. He is nodding yes, so it is used for, let's say, a more common sense approach, which he will present in Alternative 5 and Alternative 6. We just think it works better with our situation.

MR. CURRIN: Is that sufficient, Monica? Any further discussion of the motion? **Is there any objection to the motion? I see none and that motion is approved.** All right, Nick, come on up. This is in reference to Alternative 5, establish species groupings under the Snapper Grouper FMU following a methodology used for the Gulf and Caribbean ACL Amendment. The presentation is Attachment 8A, which came in the second briefing book, if you want to follow along.

DR. FARMER: Okay, we've basically developed an approach to creating stock complexes that we used for the Gulf of Mexico Fishery Management Council. The document for that was within your briefing book as well. It's a pretty lengthy read. That has actually been through multiple rounds of internal review at SERO and also through the science center and was recently certified as best available science by the Southeast Fishery Science Center.

The approach that we have applied in the South Atlantic is nearly identical with some nuances. Because the South Atlantic is a somewhat different environment, we have a few different data

sets. I'm going to talk you through that. I had to add some caveats right off the bat for this presentation, and that's that the results and conclusions that I'm going to present here are preliminary. They're subject to revision. This document is still under internal review at the regional office. It will also go through some review with MARMAP personnel and also with the Southeast Fishery Science Center.

We expect that this will be subjected to considerable scientific scrutiny and also by the South Atlantic SSC at some point as well. We hope to have a final report available for the December 2010 meeting that will be very similar to the Gulf report that you have in your briefing book now. Just as a reminder, the reason we're talking about possibly grouping species is that under your June 2010 preferred alternative you would need to establish ACLs for 24 unassessed species.

There is a total of, I believe, 35 species that would still require an ACL after that preferred alternative, 24 of which don't have stock assessments. Assigning species to assemblages might accomplish a few things. It might mitigate uncertainty in species identification. You've got a lot of groups such as the jacks where greater amberjack may be mistaken for banded rudderfish which may be mistaken for lesser amberjack and that sort of thing.

It also would reduce regulatory impacts of fluctuations in landings for incidentally caught species. If you manage a species that is incidentally caught or rarely occurs in the fishery, the landings for that species may cycle wildly up and down through time. If you establish an ACL at the midpoint or at some lower point in there, there is a good chance that you'll be exceeding your ACL just due to natural fluctuations for what is a rare-event catch.

Then you'd have to implement accountability measures and there would be a large burden on management for something that is basically an incidental catch. Overall we believe this approach will simplify management because you won't have to set ACLs for 35 individual species. There will be some lower number of ACLs that will need to be managed.

It may also address some ecosystem dynamics by grouping things based on life history, fisheries vulnerability, geographic distribution, et cetera. The question is what is the stock complex? Well, the ACL Final Rule provides us with some definitions. It could be one or more indicator stocks, the use of which would have a status determination criterion and an ACL and several other stocks; it could be several stocks without an indicator stock, and those several stocks would have an SDC and an ACL for a complex as a whole; or, it could be one or more indicator stocks each of would have an SDC and management objectives.

Basically there is a lot of flexibility with how you define a stock complex. You can do it on an individual level, a group level, a group with an indicator species, so there is a lot of flexibility there. The goals and objectives of our approach; well, the goal was to provide you some guidance with how to set some ACLs for the Snapper Grouper FMU.

The objectives for that would be to identify species assemblages, to evaluate consistency in those assemblages across sectors – so between recreational headboat, recreational private and charter and commercial – and also to develop species complexes that follow the NS-1 Guideline of

being sufficiently similar in geographic distribution, life history and vulnerabilities to the fishery such that the impact of management actions on the stocks is similar.

The idea being if you're going to group something in a complex and implement a management measure on that complex, you would like that management measure to direct fishing mortality in the same direction for every stock that is in that complex. The data sources for this analysis were the science center's coastal logbook – we broke that out into vertical line and longline components – the Reef Fish Observer Program, which has a few voluntary observations in the South Atlantic; the Southeast Fishery Science Center's Headboat Survey; MRFSS data from 2000-2009; and the MARMAP data from 1978-2009.

We used a variety of methods to develop these complexes, including life history, vulnerability, percent encounters between species, dimension reduction, hierarchical clustering, a weighted mean cluster association index and a biographic distribution analysis. Without getting into too much detail, I'm just going to show you a little bit.

The South Atlantic is kind of a unique setting compared to the Gulf of Mexico because you have a latitudinal thermal gradient which partially controls species distributions. You also have some unique structures in terms of the Gulf's stream and how eddies form at various places like Cape Canaveral and Cape Hatteras which form biographic boundaries.

Of the 73 species that were in the Snapper Grouper FMU prior June 2010's preferred alternative, you would have in the southern region, so south of Cape Canaveral, about 70 of these species appearing in the fisheries landings records for the commercial logbook; in the middle region you'd have 65 species occurring and not necessarily the same as these 70; and then north of Hatteras only 45 species, so you can see there is these kind of distinct latitudinal gradients. These were originally recognized in a paper put together by Erik Williams by Kyle Shertzer.

Looking at hierarchical cluster analysis was one of the methods that we used to group these species. Without belaboring this with too much detail, basically this analysis is used to look at patterns within data and evaluate associations between species based on those patterns. This, for example, was MRFSS data that was binned by year, month, state, mode and wave.

We found some very interesting complexes such as a deepwater complex, North Carolina/East Florida complex, a complex of jacks, a complex of East Florida species, some southeast Florida species like yellowtail snapper, lane snapper, gray snapper and black grouper and then some others. There are some interesting patterns that emerge here. The jacks are interesting; greater amberjack, almaco jack and banded rudderfish all clustering relatively closely.

We did that and we also looked at productivity susceptibility analyses scores put together by MRAG of America. This is a pretty cluttered graphic and you can see it has all 73 species that were originally in the Snapper Grouper Complex, but you can see, for example, gag is rated as very high vulnerability, black grouper is rated as kind of slightly lower, and then red grouper and scamp slightly lower than that.

In terms of forming complexes we also tried to evaluate vulnerability. Without getting into too much detail in the analyses, this is kind of basically the end result of how it all came out. This is a table showing species that are requiring an ACL along this first column here in bold and then the five most associated species with those amongst all the clustering and dimension reduction and other analyses that were performed.

For example Warsaw grouper was heavily associated with yellowedge grouper, silk snapper and snowy grouper. Blueline tilefish was heavily associated with snowy grouper, sand tilefish and scamp. Basically, what I tried to do in creating this table was to color code it so that species that were kind of all interconnected with associations would be featured in the same color, so you can see kind of this purple color up here would be what I would consider to be deepwater species.

Then you have kind of some shallow water grouper species here, you jacks in the yellow. Better associated with each other, you have some hinds, porgies and grunts and a bar jack that are associated. Then within these color-coded complexes I also provide you with dotted lines denoting break points where species have relatively different life histories. Because of those differences in life history, you might want to manage them with a different complex.

Also indicated in this far right column, the MRAG PSA scores for those species, so that you can evaluate within a given complex what is the most vulnerable species in the complex. I also provided the date of the most recent assessment for those species so that you can evaluate within a given complex, if you wanted to use an indicator species, what species is assessed in there.

Then moving forward I basically applied some similar approaches towards what we developed in the Gulf of Mexico, and this might help that table make a lot more sense because I'm going to get into some more detail on kind of the nitty-gritty of how we envision the ACL is working. This is basically the same approach that was chosen by the Gulf Council as their preferred alternative.

This would be a deepwater complex here. This complex would be comprised of Warsaw grouper, which would be the most vulnerable species in the complex per the PSA score, yellowedge grouper, snowy grouper, blueline tilefish, sand tilefish, golden tilefish and silk snapper. All those species are associated with each other in the fisheries data that we evaluated; and so there is a likelihood that if you imposed a management regulation on one of them, it might also impact the trajectory of the fishing mortality on the other members of the complex.

This is kind of a multi-handled approach towards doing an ACL. Basically, it would be an ACL for this larger deepwater complex in blue, and then it would be some secondary or sub-complex ACLs for the deepwater grouper, so Warsaw grouper, yellowedge grouper and snowy grouper; for the deepwater tilefish, which would be blueline tilefish, sand tilefish and golden tilefish; and then for silk snapper – and I put question mark here because silk snapper landings are pretty low.

One of the things that you can worry about with a species that has relatively low landings is that your ACL, if set at kind of a median level, would be exceeded rather often. And then an additional complex for the deepwater-associated wreckfish, which has kind of a unique fishery

dynamic, and we believe that probably regulations on wreckfish would not impact these other species as much.

Basically the way that I would envision this approach working the way that it has been discussed with the Gulf Council is that you would set an ACL overall for this deepwater complex. If that ACL were exceeded, then accountability measures for that deepwater complex would be implemented. You would also set sub-ACLs for these smaller complexes, these sub-complexes, so, for example, if the ACL for the sub-complex of deepwater grouper were exceeded, then accountability measures would go into place for the deepwater grouper but not necessarily for the entire deepwater complex unless the exceedance of the ACL for the deepwater grouper complex were so high that it also caused this deepwater complex overall ACL to be exceeded.

It gives you multiple handles of control. Why that is I guess an approach that the Gulf Council really liked was because it provides you with a few different approaches. You have, for example, maybe much higher landings within this group of deepwater grouper than within this group of deepwater tilefish, for example, so your deepwater grouper might be more likely to be exceeded than your deepwater tilefish, and that would keep you from implementing management regulations or accountability measures on the deepwater tilefish when really the origin of the problem is with the deepwater grouper.

But, if you're blowing away deepwater grouper ACLs, because we know these species are caught often on the same trip or even on the same set together based on the fishery data, then there is a chance that you're also exceeding or possibly overfishing some members of this tilefish complex without capturing that in the data for whatever reason. This provides you multiple handles of control.

We'll move to another complex that might make a little bit more sense. In the Gulf of Mexico they basically already have a shallow water grouper complex; and the fishery-dependent data that we evaluated and fishery-independent data we evaluated seemed to indicate that might be appropriate for the South Atlantic as well.

The shallow water grouper complex that emerged from that was one that would contain gag, red grouper, scamp, black grouper, yellowfin grouper and speckled hind. The way that this would work and the way this color coding works here is that things that have an assessment are denoted by this kind of tan color in their sub-complexes, and things that don't are denoted by the orangeish color.

You'd have an ACL for the shallow water grouper complex here; and if that were exceeded, then the shallow water grouper complex would have accountability measures implemented. But you would also have sub-complex ACLs for gag, for red grouper with scamp, for black grouper by itself and then for yellowfin grouper and speckled hind. These could be rearranged to accommodate council desires and maybe information that you obtain from the fishermen, because the resolution of the data is such that most of the data is collected either at a trip level or at some even more core scale.

What we've found in conversations in the past is a lot of time things will show up that look like they're caught together in the data set, that fishermen will tell us, well, no, we actually catch those typically in the same area but at different depths using slightly different tackle or whatever else, so there is definitely room for flexibility in here.

The way that this sub-complex here would work is gag being a pretty productive and assessed species would basically get its own ACL; and if that ACL were exceeded, then accountability measures for gag would be implemented. Similarly with red grouper and scamp and maybe you break them out separately or maybe you leave them combined.

They were relatively highly associated with each other; but if you exceed this sub-complex ACL, then accountability measures would only be implemented for red grouper and scamp here and would not necessarily impact gag or black grouper or yellowfin and speckled hind; again, unless those sub-complex ACLs for this were exceeded so much that actually this whole shallow water grouper complex ACL were exceeded, in which case accountability measures would be implemented there.

This gives you multiple handles that control basically – like I was saying, what it does is it keeps you from unnecessarily implementing accountability measures by providing some separation between highly productive and less productive complexes, but it also helps you buffer against overfishing of those less well-understood members of the overall complex.

So, for example, yellowfin grouper and speckled hind, there is a possibility that if you're massively overfishing these assessed and better-understood species in the complex, you might also be overfishing yellowfin grouper and speckled hind. You would have no really great way of knowing that either due to issues with data collection for those species or simply the fact that they've never been assessed so there is no status determination criterion to definitively tell you what the overfishing threshold would be for those species.

So by clustering them together in this overall complex, you afford them a slightly higher level of protection. In addition for shallow water grouper we recommend some additional separate complexes for Goliath grouper, Nassau grouper and black sea bass, which were pretty well separated in the data.

Moving over to the jacks, greater amberjack, almaco and banded rudderfish showed some fairly strong associations. Greater amberjack is the most productive of those and it has an assessment, so we would recommend that there be an overall jacks complex and then a sub-complex for greater amberjack and a sub-complex containing both almaco jack and banded rudderfish. Another jack that was not caught with these and might merit an additional complex all on its own would be bar jack.

And then shallow water snapper, there are only three shallow water snapper left after the June 2010 preferred alternative, and that would be yellowtail, gray and lane. Of those, yellowtail snapper has an assessment so it might merit its own sub-complex ACL. Yellowtail snapper also has a pretty different fishery dynamic in terms of how of you pursue it relative to gray snapper and lane snapper; so although they're caught in the same habitat and sometimes you'll catch

them on the same set, there are definitely some different approaches to catching yellowtail versus the others.

With porgies, grunts and hinds, this was kind of a catchall complex at the end, but interesting there were some pretty strong associations between the members. We basically looked at it as being a porgy, grunt and hind overall complex with sub-complexes for the porgies, the hinds and the grunts. Basically those sub-complexes are developed based on life history so you're taking some life history concerns into consideration there.

And then you would require individual ACLs for red snapper, which is assessed; vermilion snapper, which is assessed. Gray triggerfish which is caught with red snapper and vermilion snapper sometimes might merit its own assessment. I didn't think that lumping them into a complex would terribly appropriate given differences in life history.

And then red porgy, which is assessed; bar jack, Goliath grouper, which is assessed; Nassau grouper; black sea bass and wreckfish, which are both assessed; so a lot of the individual ACLs are for assessed species that have relatively different fisheries dynamics or else fishery closures in place that would lead you to believe that regulations for that species would not necessarily impact other species.

So just to briefly reiterate some concerns about how the South Atlantic is different from the Gulf; well, it covers a broad range of latitudes with two to three distinct biogeographic regions. There is also an extreme bathymetric slope on the Continental Shelf that results in a broad depth range available to fishers on a single trip, which leads to less distinct depth separation by sectors versus the Gulf, which basically means that the associations between species are not as clear-cut as they are on the Gulf of Mexico because you can catch a variety of species in similar areas simply because shallow water and deep water is not as big a distinction in terms of linear distance from shore.

With that, I close with this slide which basically I like to emphasize that although we have fisheries-dependent and fisheries-independent data showing us some associations between species, there are a lot of unexpected associations out there that we're going to have a difficult time accounting for with any stock complex.

I spent about an hour and a half watching this almaco jack on a dive recently hiding behind a hogfish for cover and darting out and catching fish for food. It's just an interesting association that you wouldn't expect and probably would never attain from the data as we have it now. For that, I'm sure there are probably going to be some questions. I know that is a relatively confusing approach when you see it the first time.

MR. CURRIN: Questions for Nick? David.

MR. CUPKA: So this approach, Nick, would get us away from using indicator species and all the concern about whether or not you're managing to the most vulnerable species when you use an indicator; is that correct?

DR. FARMER: Yes, so I guess part of the rationale behind this multi-handled approach towards stock complexes and sub-complexes is it allows you an opportunity to break out the ACLs for highly productive species that – you know, for example, if you used an indicator species in a more traditional approach, basically how I envisioned it when I first started looking into these stock complexes, you would think, okay, well, yellowtail snapper, since it has an assessment, should be the indicator species for shallow water snapper; and if yellowtail snapper's ACL is exceeded, then gray snapper and lane snapper similarly receive accountability measures.

But there are some differences there both in terms of fisheries dynamics and in terms of vulnerability. Gray snapper is more vulnerable per MRAG PSA than yellowtail, and so this gives you a little bit of that indicator species flavor by lumping them together in one complex; so that if you totally blow away yellowtail, then you provably will implement an accountability measure for gray and lane.

But if you're just squeaking by with yellowtail or you exceed it but don't blow away the combined ACL, you don't necessarily impact gray and lane; and similarly if you're really concerned about lane, well, here you have a handle of control where gray being the most vulnerable has a much lower probably sub-complex ACL and would have accountability measures implemented even though maybe this whole overall ACL might not be exceeded. So it provides you with a few different handles of control, which I think help buffer against uncertainty in the data and also accomplish the overall objective, which is to make sure that the management measures implemented will impact all the species in the complex similarly.

DR. CHEUVRONT: One of the things that appeals to me about this approach is that it is objectively based on statistical analysis. I realize that this is undergoing science center review, but one of the things that would be good to know is the strength of the relationships between those associations because I think we can't assume those relationships between those species that are now grouped together, that the strength of those relationships is going to be the same in all of those groupings.

At some point before we would adopt this approach, it would be nice for us to get some kind of an indication as to the relative strength of those relationships among all the groups so that when it comes time to do management measures we will have a feeling of more or less certainty if we're using an indicator species that is going to affect the ability to harvest some of the other species in that group. Do you kind of understand where I'm coming from on that?

DR. FARMER: Yes, and I guess to that point, once the – you can see it in the Gulf paper that has been provided already, but I developed an approach which I call the weighted mean cluster association index, which basically aggregates the results between two life history clusters and four clusters that were developed for six different fishery-dependent and fishery-independent data sets, so basically 26 cluster analyses are fed into this one massive master table, which the strength of the importance of each cluster varies by species and by data set relative to the presence of that species in that data set.

So, for example, vertical line recreational gear doesn't tend to encounter tilefish as frequently as, say, commercial longline gear would, so the commercial longline cluster would be given higher

weight for tilefish then the MRFSS data would be given for tilefish. Basically in that overall aggregation you get this master matrix, which is present in the paper, which provides you with a quantitative value. It is quasi-quantitative because it's integrating across multiple data sets and multiple analyses, but it provides you a measure of the strength of those associations between species.

It's color coded so that the heaviest associations jump out at you first and that sort of thing. You can almost kind of get at that a little bit from the association table that I have in the presentation itself in terms of looking at, well, so gag and red grouper are real tight, right, because they're each number one and most heavily associated with each other; whereas, scamp is actually most heavily associated with red porgy; red grouper secondarily. So you get a sense of how those strengths vary kind of in a qualitative way just by looking at this table.

DR. CHEUVRONT: And you just hit on it when you said qualitative. Just because they're caught on the same trip, as you had said earlier, it doesn't mean they're caught using the exact same methods or the same location and things like that. It's just there is something about them that they tend to get caught on the same trip.

If there would be some way – and I'm sure this is going to come back to us again later on – that we could see something that is simplified that would indicate the strength of the relationships of the species within that group, whether it's even a coding system that you somehow create bins, numerical bins and you can just say that this grouping is very, very strong compared to this grouping, and you can change the color coding. That would help us I think in our analysis.

We don't want to get too lost in the weeds and the statistics of this, but I think it would be really helpful to us to see whether we're dealing with a lot of really, really good tight groupings or just a few tight groupings and more groupings that are associated but maybe not quite as tight.

MR. HARTIG: The next go-round, mutton snapper would be nice to have on there. That would help.

DR. FARMER: And I agree, and I think that probably rather than rerunning 26 standograms in this whole analysis, so I think it is intuitive that you can either probably throw mutton snapper in the shallow water snapper complex and maybe give it its own sub-complex ACL – that would probably be my recommendation – or you just give it an individual ACL. I believe there is an assessment through the state of Florida for it already, so it's an assessed species. You can either manage it individually or lump it in that sub-complex.

MR. HARTIG: To follow up on that, the other thing I find fascinating, if I would have had to do this from a fisherman's perspective, you're pretty damned close to what we've seen over the history of the fishery and that this is really a good way to do this.

DR. FARMER: That definitely is the kind of on-the-ground validation that I would be looking for on this. Because like I said, other than the MARMAP data set, which has its own peculiarities because it uses some gears that aren't commonly used as actual, you know, out there on the water fishing gear – other than that, I really don't have set-level data available.

The closest I have is the commercial logbook and the headboat, which gives you trip level information. Then with MRFSS I clustered the intercept data which also gives you trip level, so basically all the information is at the trip level and the resolution of whether they even assign, you know, an area where things were caught together depends on the data set. Commercial is nice because you also get depth, the average depth that things were caught at so you can get a little bit finer resolution on that.

But, certainly, within any of these groupings, I would certainly lend a lot of credence to a fisherman if they were to tell me, you know, well, these things are associated because they're in the same area but we never catch them on the same set, you've got to use a different bait or a different hook or at a different depth. That sort of thing is interesting information to have.

Keep in mind also that these are associations for the entire South Atlantic, from Florida on up to North Carolina; so what is true for one fisherman may not be true for all of them aggregated as a whole. We partition these things on as fine a spatial scale as possible to get at those nuances.

MR. HARTIG: Certainly, the exception I saw was for our area, the yellowfin grouper association is not going to work. I've never caught one in the history of my fishing, so there are certainly those things. But, by and large, it is an amazing tool.

MR. CURRIN: Thank you, Ben, and that's good to hear, that it's pretty close. I think it would be helpful to know where it's not so close from you and other fishermen that might have some insight into this. One thing that occurred to me that I missed when we went through the table of removals – and I didn't pick it up there, but I did pick it up in your presentation – is that hogfish, hog snapper is one of those species that we removed I guess because of landings or landings in state waters or something.

Certainly, off of North Carolina the landings don't occur very often in state waters. I don't know what they are, Brian, annually, but I know just from recent experience that it has been kind of a species of contention up there, and I'd like for the committee to consider whether hogfish is one. I'd ask Charlie and Robert whether there is any sort of dive fishery that occurs off of Georgia and South Carolina for hog snapper. That might be one we want to consider to add back into the complex; I don't know. Nick.

DR. FARMER: So to that end, I've developed a table for you guys, an interactive decision tool for the ACL Amendment, which you can go in and put in your "remove from FMU criterion", your Florida Marine Life Rule, yes or no, and your landings criterion and then you just push this refresh button.

Apparently it has been disabled on this computer; but if you enable it, what it will do is it will tell you how many species remain that need an ACL, how many are removed from the FMU and how many are designated as EC, and it provides you with a list of those on another tab so that you can see them. Basically, it looks like hogfish is removed from the FMU under that criterion.

If you look at the detail here, hogfish, you've got 147,000 pounds average landings from 2005 to 2008, and the reason it's removed is due to the fact that 86 percent its landings as reported to

MRFSS only, which is the only criterion we have in there, occurred in Florida. Now the top state for headboat was not Florida; it was actually South Carolina for hogfish. This table will provide you with a bit of information as to what was excluded and why.

MR. CURRIN: Thank you, Nick. I think that model that you sent, I had trouble opening up. It needed a password or a key or something and I couldn't get in it.

DR. FARMER: Yes, it's locked so can't change any of the input data in it, but you should be able to change any of these three fields here and push this button. That's the only thing I gave you guys power to do.

MR. CURRIN: And I may be thinking of a different file. I know one of the files I received, it wouldn't even let me open it up because I needed some kind of password or something. I don't know whether it's that one or not.; I'll have to double-check. Monica.

MS. SMIT-BRUNELLO: I don't usually get to make these kinds of comments, but I did receive a call from a couple of fishermen who were harvesting hogfish in federal waters off of North Carolina this summer.

MR. CURRIN: Yes, we had some issues up there with hogfish, and it is primarily a species that is harvested by divers both recreationally and commercially. Our average trip landings are somewhere around 100-150 pounds a day. Most of the guys are going out for a day, a day and a half, maybe two days.

I think what got the fire started was some guys on the dock one day saw these guys come in after a multi-day trip and throwing many more than the usual harvest that they were used to seeing of hogfish up on the dock. The sky was falling, so we implemented, through proclamation, some measures to restrict the daily trip limits on hogfish. Of course, we got some grumbling, but I think in general people were okay with that. It does point out to me the need to consider very seriously perhaps adding hogfish back in here as a managed species rather than remove it.

MR. BOYLES: Mr. Chairman, I could not have said it any better than you could have. Based on some data that we've got, we've seen a fourfold increase in hogfish landed by spear in South Carolina. I couldn't in good conscience advocate that we remove it from the management unit. It is an important fishery and needs to be managed well.

MR. CURRIN: Is that a motion?

MR. BOYLES: Yes, sir, that is motion.

MR. CURRIN: **Robert has offered a motion to put hogfish back in the FMU; second by Charlie. I think we've had pretty good discussion about the rationale. It certainly would satisfy me.** Yes, Mark.

MR. ROBSON: Just a question for Robert; are those landings coming from federal waters or are they coming from state waters?

MR. BOYLES: Federal waters.

MS. SMIT-BRUNELLO: And just for the record, there was some unhappy federal snapper grouper commercial permit holders who were harvesting in federal waters off of North Carolina and found that they were by proclamation unable to land the amount of fish they had harvested in North Carolina.

MR. CURRIN: Yes, we understood that as well. I don't know what is going to come of it or how it will shake out, but so far no suits have been filed; I don't know. Charlie.

MR. PHILLIPS: Mr. Chairman, for the record, we don't catch very many hog snapper off Georgia, but we do hear about them coming and on a rare occasion somebody may make a trip up north and bring a few down that way. We don't have them, but I understand. I have had a dealer friend of mine that "what are they doing to me up there?"

MR. CURRIN: All right, any further discussion on the motion to add hogfish back into the – or leave them in? Any objection to that motion?

MR. ROBSON: I'm going to object.

MR. CURRIN: **The motion is approved with one objection.** All right, other questions for Nick? I'm sorry, I didn't mean to sidetrack you, but it just came up during your presentation because I noticed that it was absent from the species complexes. In addition to mutton snapper, that's one more we will have to think about adding back in, and it may be unique because of the harvest methodology; I don't know.

DR. FARMER: Yes, that was going to be comment is the harvest methodology for the predominant portion of the hogfish catch is I think diver spear gear, which merits just kind of its own individual approach, I think, so an individual ACL for hogfish, so just slap that one in as another one in that individual category.

MR. CURRIN: Yes, okay, thank you. Other comments or questions or reaction to Nick's presentation? Like Ben, I was very impressed. I think it's a very good approach. I like the fact that as we have had to approach or seem to have approached it earlier is that when indicator species ACL is reached or any of the ACLs are reached for the others, then we close the whole complex, and this is a methodology that will allow those sub-categories to stay open as long as the overall ACL is not exceeding, so that's very appealing, I think. Do we need a motion, Rick, to ask you guys for further analysis or incorporation into the amendment of this approach or is it covered by the existing Alternative 5 and we just need to fill details?

MR. DeVICTOR: Yes, I think that we already have it as Alternative so we'll just put it where Nick had it in his presentation, beneath Alternative 5 and we'll see if there is a preferred alternative possibly.

DR. CHEUVRONT: If I could request that maybe – since this is such a new thing, if we could put some version of Nick's presentation in an appendix or something in there so that people can

see how this was derived. I don't think we've ever gone down this road before. I think it's pretty neat and I think it just needs to get in there and become part of the public record.

MR. CURRIN: All right, what is your pleasure about a preferred alternative here? Are you comfortable with what you've seen so far in this approach and knowing that it has been incorporated in the Gulf and the Caribbean, into their ACL amendments, to consider selecting a preferred alternative for this action. That would certainly benefit the staff's analysis, I believe. George.

**MR. GEIGER: I make a motion that Alternative 5 be our preferred alternative.**

MR. CURRIN: Motion by George; second by Brian, to select Alternative 5 as the preferred alternative under Action 3. Discussion of the motion? **Any objection to that motion? I see none so that motion is approved.**

MR. DeVICTOR: Okay, the next action is the ABC Control Rule for species that have not been assessed. You can that there is a series of alternatives. It is PDF Page190. Your current preferred alternative is Alternative 3B. That sets ABC equal to 75 percent of OFL. The IPT recommends that Alternative 5 be moved to the considered but rejected appendix as that uses a P-star, and P-stars are not used for species that have not been assessed. You need an assessment to get a P-star. You have a range of alternatives and a preferred.

**MR. GEIGER: I would make a motion that we move Alternative 5 to the considered but rejected portion of the document.**

MR. CURRIN: Motion by George; second by Duane. Discussion. **Any objection to that motion? I see none and that motion is approved.** I guess a question, Rick. Since the SSC is still kind of working on their approach for unassessed stocks, it would be premature to consider that approach in this amendment; is that correct or fair?

MR. DeVICTOR: That is how I see it. I'd still consider it a work in progress. As we saw from Carolyn's presentation, they still have work to do on it. Expert opinion still has to play into it. I don't think it would be put in with this range of alternatives at this time is how I saw it.

MR. CURRIN: All right, any comments on the alternatives in this action? Everybody okay with it? Charlie.

MR. PHILLIPS: Just one question; is there any way we set an ABC that doesn't equal an overfishing level because the overfishing level is often equated to landings, and I don't see where landings on a lot of these unassessed species really equal OFL. Can we get there another way without tying it to an OFL number?

MR. CURRIN: I can't answer that question.

MR. DeVICTOR: If you have an OFL, the National Standard 1 Guidelines say ABC cannot be above it, so it can't be above it. It has to be at it or below it.

MR. CURRIN: I was just going to say on the side Duane made the comment how do you get to the OFL, and we get that from our SSC, but there are some instances where they're unable to provide that, so they have to do the best they can to provide an ABC in that case; is that correct?

DR. CRABTREE: I wasn't going to correct you about that; but along those lines it seems to me what we heard yesterday was that they're not going to give us OFLs for a number of things. They're just going to give us an ABC, and so these control rules aren't really going to be usable if you don't have an OFL. Somehow we're going to have to figure out how we're going to handle that.

MR. CURRIN: Any suggestions?

DR. CRABTREE: Well, I think if they give us an ABC, as long as their rationale for it is sound, then that's what we have to go with. If they're not going to use an OFL, they must have some sort of control rule or something they're using to come up with it. I think they sort of did in their paper, but we may have to incorporate some of that as another alternative. I'm not sure how we're going to handle that, Rick, if that's a work in progress and yet we've got those ABCs. It is going to be difficult to apply these control rules and ignore their ABC on it. I'm not sure how to deal with that.

MR. CURRIN: Me either.

DR. CRABTREE: Let's ask John; John, how do we deal with that? John, what it sounds like we heard from Carolyn and with the SSC is that they were moving away from giving us OFLs for some things and were just going to come up with an ABC. We have got these ABC control rules that are all based on an OFL; and if they're moving the other way, then these aren't going to work, so either we need some other type of control rule that they're developing to put in here, but we need to reconcile this. I don't know if that means at their next meeting, which I think is in November, we need to figure this stuff out or if you can figure it out.

MR. CARMICHAEL: Yes, you're right, the ones where there is a percentage of OFL, you would not be able to apply that when you don't have an OFL. The unassessed stocks control rule that they came up with has a level of tiers that reflect the different levels of data quality. To the analyses that can be considered and are applied to stocks like this, which full assessments haven't been done and which you don't have the data as perhaps do production or catch-at-age models, are the DCAC, the depletion-corrected average catch, has been put forth by MacCall et al and well documented by many of the SSCs. There is also this other approach, DBSRA. It is a type of stock reduction analysis.

If I try to remember the details of those, there was some discussion about whether the outcomes of those are more similar to an OFL or an ABC. I believe the recommendation was that the MacCall approach was more similar to an ABC and the other was more similar to an OFL, but I might have them backwards.

The way their tiers were applied was that in the one you would apply this method and you directly have an ABC; and the other, you'd apply the method, you directly have an OFL, and

then you could apply some percentage to get to an ABC. What their tiers do and what their unassessed stocks control rule does is it could essentially replace all this, because you wouldn't have to have – and some of those you wouldn't have to pick this percentage, so that would be covered, so then in the others you would have to pick the percentage. In some stocks you would use the percentage and some you wouldn't.

DR. CRABTREE: So I guess the question is, though, are they going to have this fleshed out enough for us to apply in the timeline of this amendment or is that going to just have to wait until down the road?

MR. CARMICHAEL: I think they have it fleshed out enough that you could incorporate it in this amendment. Do you mean to apply it to the individual stocks? No, and I don't think that they will be at that point. They absolutely won't be for many stocks, but I think –

DR. CRABTREE: Plus, we're aggregating stocks so we'd have to do that. If that is not going to be ready on the timeline this amendment is on, then I guess we have to, for now, go with what we've got in here.

MR. CARMICHAEL: The thought, as we talked about yesterday, was you could adopt that control rule and then it would be used after the amendment is in place for the next time we go and look at ABCs, which could be this time next year; and that for this amendment, for many of these stocks for that control rule, do the timing and everything else.

And the need to run it through those different tiers, because it couldn't be applied, you could go with your preferred alternatives which might be tied to various percentages. They were told about your choices on things like selecting the median for OFL for many of the unassessed stocks, and they were comfortable with that.

DR. CRABTREE: Okay, so it sounds like we go with what we've got in here for now, then.

MR. CURRIN: Well, our current preferred is 3B, which is ABC equals 75 percent of OFL. If we don't have an OFL, it seems to me we've got to have some other caveat or –

MR. CARMICHAEL: But you do have an OFL for many stocks. You have the OFL based on the median over the last ten years of landings, which you guys endorsed in June.

DR. CRABTREE: All right, so we're covered here. We don't need some exception for cases where we do not have OFLs we need a different approach? Okay.

MR. CARMICHAEL: Well, you may have had some exceptions, but I think we addressed those exceptions on a species-by-species basis with the things like the corals and the sargassum that we talked about.

MR. CURRIN: All right, so everybody is comfortable with where we are, then. More to come later, I guess, is what I'm hearing. All right, any other comments on Action 4? Ben.

MR. HARTIG: John, that is our OFL control rule for developing OFL? I mean, we're not going to go back and look at how the SSC cut this and cut that, plus this and minus that? Our blanket OFL control rule will be what is stated? No.

MR. CARMICHAEL: No, I think this would be something that you would put forth in this amendment as an interim step, and that is how it was talked about. At the same time you will be potentially adopting their unassessed stocks control rule, which is a bit more complex and is going to require more time to evaluate and to apply.

But if you accept what they put forth, then you put it in there as something that would be considered, then in the future, after this amendment is approved, then they have that control rule to guide their efforts for the next time they recommend ABCs to you, which under the plan is potentially a year from now. We're kind of in this because the Act said the SSCs should apply a control rule, and it also says the control rule should be developed by the councils with consultation of the SSC, so that's where we are.

The SSC has gone back and forth with the council a couple of times. We have a control rule that is proposed; and once you guys adopt it and it become the law or the rule, then the SSC can then apply it. I don't really see any way to get around that part of it given the way I understand that the law is written.

MS. SMIT-BRUNELLO: The way the guidelines are written.

MR. CARMICHAEL: Yes.

MR. CURRIN: All right, so we're comfortable with where we are with the ABC control rule? We don't have many options; do we? Let me rephrase that; are we satisfied with our preferred at this point for Action 4? Roy.

DR. CRABTREE: So should we make it clear in the document now that is interim and there is this other control rule; and when it's ready, it's going to replace? I guess that might be too complicated.

MR. CARMICHAEL: It's probably not a bad idea to avoid you getting in sort of like Ben said, well, you have this, would we then have two competing control rules. Could it be you have this until such time that this other one is adopted and implemented and then can be applied.

MR. CURRIN: I think something to that effect, that the council intends to consider an ABC control rule being developed by the SSC for unassessed stocks in the near future that may supplant the method or approach here, if that's necessary. Monica.

MS. SMIT-BRUNELLO: Rick, would you remind me when you expect to take this out for public hearing?

MR. DeVICTOR: The plan is to approve for public hearing when the council meets in December and then hold public hearings in January and February.

MR. CURRIN: And we did get indication from John that although the SSC is going to meet in November, that it's unlikely that they'll be totally finished with this approach, right?

MR. CARMICHAEL: Yes, in November this would still just be an alternative. I think that's the problem. Until it's an alternative, it's not something they can really apply. Remember we had this discussion about their assessed stocks control rule, and said, well, it couldn't really be applied in the amendment we did before for the overfished/overfishing stocks because it wasn't actually in place. It had to be put in place so you put things in your previous amendment that weren't the same as what the SSC would have recommended from the assessed stocks control rule because it's in this amendment.

MS. SMIT-BRUNELLO: So the SSC considers at their next meeting what the council asked them to consider; so if the council wants them to consider X, Y, Z, they should consider X, Y, Z.

DR. CRABTREE: So, for example, wreckfish, we have an ABC now of 250,000 pounds, and that's based on, what, average landings; is that right, John? I guess what I'm getting at is they gave us an ABC of 250,000 pounds, so I'm assuming that's what we're going to use as the ABC and not 75 percent of OFL, which I think was 250,000 pounds if you calculated it.

So in cases where we actually have an ABC out of the SSC, we think that's what we're going to use rather than calculating with this control rule. I think we need to go through the document and list somewhere here is where we have specific ABCs and we're going to use these and here are the ones where we're going to calculate it based on this control rule. Then maybe you could have some discussion that we're through with the SSC for a different control rule and it is the council's intent to shift to that when it's ready. Does that make sense?

DR. DeVICTOR: Yes, that makes sense. Wreckfish is dealt with in a separate section in the amendment.

MR. CURRIN: All right, anything else? Ben.

MR. HARTIG: Well, I just want to be clear what we did at our last meeting, and ask Roy didn't we send that back to the SSC, that control rule?

DR. CRABTREE: But that was an ABC control rule and we're not using that now. That was the one that started in zero and worked up and gave much lower numbers than what we're using there. I don't think we rejected the OFLs based on the median landings.

MR. HARTIG: Okay, that is what I want to be clear on.

DR. CRABTREE: Yes, it's confusing and I think somehow we've got to lay all this out so we don't confuse ourselves much less everybody else.

MR. CURRIN: All right, Rick, are you ready to move on?

MR. DeVICTOR: This is about to get a little more confusing. The next action is PDF Page 195, and as you recall we separated out the ABC control rule by assessed and species not assessed, so here we're dealing with species that have been assessed. I have a table in my computer that shows the assessments we have had through the SEDAR process and what the P-stars are.

By my table, we have P-stars for red snapper and not black sea bass – John, stop if I'm wrong – black sea bass; I don't believe we have P-star of gag; I don't believe a P-star of golden tilefish; we don't have a P-star of vermilion snapper; we don't have a P-star on snowy grouper; and red porgy we do not. Now, these are under rebuilding plans, some of the species, and so far the recommendation has been ABC equals what comes out of the rebuilding plan.

We have the alternatives here, so I guess we need to clarify – for those that we have a P-star as a preferred alternative, Alternative 5. Monica, will probably recall but when we had a conference call with the IPT, we discussed do we need a control rule for those assessed species, and I thought we did have to have that in this document.

MS. SMIT-BRUNELLO: I think we should.

MR. CURRIN: What are your feelings? We've got P-star values for gag only; is that it?

MR. DeVICTOR: Red snapper.

MR. CURRIN: Red snapper and gag.

MR. CARMICHAEL: I think you may have them for vermilion because vermilion was done more recently. It is really everything since about the time of the gag assessment. Everything that has come since then has had a P-star.

MR. DeVICTOR: So I think what you can do, the preferred alternative would be Alternative 5 for gag, vermilion and red snapper. There are some species, again, that are under a rebuilding plan where you can accept the ABC control rule by that plan, perhaps. And then there are probably a few that are not covered by that that we need to talk about, such as golden tilefish.

DR. CHEUVRONT: So if we make Alternative 5 our preferred, do we need to name the specific species here? Okay, then I'll go ahead and make that motion. I move that we make Alternative 5 under Action 5 the preferred alternative for gag, B-liner and red snapper.

MR. CURRIN: Motion by Brian; second by George. Roy.

DR. CRABTREE: But for overfished species we're using the yields that came out of the rebuilding plan, right, and red snapper is an overfished species, so presumably we wouldn't use this control for red snapper. We would use the Rebuild that we just submitted in Amendment 17A; wouldn't we?

MR. DeVICTOR: For red snapper they gave us a probability of being rebuilt, so they still ran it through the control rule, and so that was 70 percent; so 100 minus the 70 so you get a P-star of 0.30. We still get a P-star for red snapper.

MR. CARMICHAEL: The SSC's recommendation for rebuilding stocks was that the tiered approach for establishing the critical values be used to pick your probability of rebuilding and that ABC in each year would be based on whatever preferred rebuilding strategy the council ultimately chooses. I don't know if that's addressed in a separate place or not. You also have a P-star black grouper that was not overfished and was recently done.

DR. CHEUVRONT: I believe that also included red grouper, too, right, black and red both?

MR. DeVICTOR: Black and red grouper we'll talk about next with Amendment 24.

MR. CARMICHAEL: Red was overfished so it would fall under the rebuilding strategy component.

MR. CURRIN: All right, so are we okay; Roy, are you okay with red snapper, then? Should that be included in the motion here or not? You're not comfortable.

DR. CRABTREE: I don't really understand what is going on with it, to be honest with you.

MR. CARMICHAEL: The intent is for stocks which are not overfished and for which there is a P-star available; isn't that correct?

DR. CHEUVRONT: And so because is red snapper is overfished –

DR. CRABTREE: It is overfished.

DR. CHEUVRONT: – we need to pull red snapper out, so I'd like to modify my motion and let's just make this for gag and vermilion and remove red snapper.

MR. CARMICHAEL: I'm not sure about gag. I can go check and see which ones – if you want to name the species, it will be better if you give us some time to verify exactly which ones for which you have a P-star or else just say the ones that are not overfished and have a P-star available.

DR. CHEUVRONT: Okay, that's better because that was actually my original question and where I was going when I asked do we need to name the species. Okay, this really is the motion now. **Make Alternative 5 under Action 5 the council's preferred for species that are not overfished and for which there is a P-star analysis.**

MR. CURRIN: And George was the seconder; are you okay with that modification to the motion: I think that clarifies it and it's either one or two species. Other discussion on the motion? **Any objection to the motion? I see none and that motion is approved.** All right, how do we deal with the other species?

DR. CRABTREE: So for the overfished stocks we're using the yield that comes out of the rebuilding plan, so essentially the ABC is the yield fishing at Frebuild, right, and we're dealing –

MR. CARMICHAEL: That was the SSC's recommendation.

DR. CRABTREE: And we're dealing with those in the rebuilding plans rather than in this amendment?

MR. CARMICHAEL: That is my understand as well, yes.

MR. CURRIN: All right, do we need a motion to that effect?

DR. CHEUVRONT: I don't think we do if we're dealing another –

DR. CRABTREE: I don't think we do because we've already dealt with those stocks in other amendments. Remember this is the ACL Amendment for not overfishing and not overfished.

MR. CURRIN: So those are taken care of and we don't have to worry about them here?

DR. CRABTREE: I think that's right.

MS. SMIT-BRUNELLO: But I do think it would be helpful to just state that in the discussion somewhere that that is what you're doing with those.

MR. CURRIN: All right, what does that leave us with, then, that we've got to deal with?

MR. DeVICTOR: Do we need to deal with golden tilefish? It is not under a rebuilding plan and we do not have a P-star, I believe.

DR. CRABTREE: But we do have an ABC, right, for golden tile?

MR. CARMICHAEL: You have a number of stocks that predated the P-star development that you have assessments for, and the SSC has provided ABC recommendations for all of them. I think the one they had omitted was maybe mutton that we talked about at the last meeting. But I thinking things mutton, yellowtail, golden tile, all those stocks, the SSC has recommended ABCs.

DR. CRABTREE: And was the ABC recommendation for the golden tile – I don't remember what it was, but it was a unique feature the way they did it with golden tile, I guess.

MR. CARMICHAEL: Yes, and quite of those were unique based on the types of projections that were available at the time they looked at it. I think the ones like yellowtail was based on projections of what OY could be, and it was not overfished and not overfishing and near SSB MSY, so it was what the predicted equilibrium yield would be. Mutton fell in that same place, looking at the projections of the Foy that was in place at the time, and so trying to make use of

that as providing the appropriate separation from OFL to ABC when you didn't have a P-star. Most of them are unique.

DR. CRABTREE: Well, maybe what we could have in here is just a section in the document that discusses some of these stocks that we have explicit ABCs for and we're excepting them from the control rule and then give the SSC rationale for them. And then we're just done with those; that's the ABC, and then we just proceed based on that; does that make sense, Rick?

MR. DeVICTOR: Yes.

MR. CURRIN: Is everybody else comfortable with that approach? I'm seeing heads nod.

DR. CHEUVRONT: And we'll see this once again with that language and all in there because, like you said, the SSC used sort of different criteria and we're not quite sure whether we're necessarily going to agree with all those criteria that they used to determine those ABCs. I don't have any suspicion that we're going to disagree with it, but I hate to pass judgment on it and saying that we agree –

DR. CRABTREE: You're going to see this document several more times.

DR. CHEUVRONT: I just wanted to make sure.

MR. CURRIN: So that would cover golden tile, yellowtail and mutton snapper and maybe a few more? All right, what are we missing, then? All right, so that takes care of it; everything is checked off?

MR. DeVICTOR: Yes. Allocations are next; it's on Page 200. You can see Alternative 1 and the table. These are the ones that are currently on the books, the commercial and recreational splits. I just wanted to verify that there is no intent through this amendment to change it for those species.

MR. CURRIN: We've got a preferred; everybody okay? Ben is not okay. Ben.

MR. HARTIG: Well, basically, if you look at the economic effects – and I'll read this into the record – “Alternative 2, the preferred, allows the allocation to increase for whichever sector is expanding during the most recent years. Eventually this could result in a hundred percent allocation of a species to one sector.

“Any future allocation calculations would simply result in a hundred percent allocation to the one sector in perpetuity regardless of the ability or desire by the sector with a zero percent to participate in recent years. Recreational participants showed an increase while commercial vessel participation has decreased. If this trend continues, this will result in significantly diminished commercial sector economic revenues and an expanded recreational sector resulting increased economic revenues to the recreational sector.”

I've been working some with John on trying to devise another way to do this, which takes into account some of the – especially in the MRFSS high CV species where – you know, I gave him results of calculations of the three-year average. I gave him results of calculations with a five-year average, removing the high and low value from the recreational fishery. He has been really busy and we haven't had a lot of time to go into this in a lot of detail, but this is not going to work for the commercial fishery.

MR. CURRIN: And I understand that. Ben, and I think that the IPT tagged that as well as an issue in here, and it occurs in several places throughout the amendment and maybe we can take care of it right now by asking that the language “three-years rolling average for future amendments” be taken out, and that be done on a case-by-case individual basis as we consider whether allocations need to be changed. It is a big concern and nobody's intent is very gradually to increase the recreational allocation until there is no more commercial allocation. That is not the intent, I don't think, from anybody.

MR. HARTIG: The intent is to do this species by species and remove them – what did you just say? I liked what you said; I just –

MR. CURRIN: Well, the team noted that this is a problem. If you look on 201 or whether, “ask the council if they want to keep this highlighted language above”, and it occurs in several places in this amendment, and the language that is highlighted ends after 2006-2008 for this amendment; and, there is a caveat “and a three-year rolling average forward for future amendments” and that would automatically shift or change that allocation based on the landings.

DR. CRABTREE: I just don't think you can do that. It doesn't make sense to me. For one thing, the allocation moves and changes every year; and as Ben pointed out, it rewards a sector for going over their allocation, and that's not fair and it's not equitable. I think we need to take that “three-year rolling forward for future amendments” out of it as the IPT recommended. **I would move that we remove the language referring to “three-year rolling forward for future amendments” from all of the allocation alternatives where it appears.**

MR. CURRIN: Thank you, Roy, and second by Brian. Discussion? Any objection to that motion? Charlie, are you objecting?

MR. PHILLIPS: No.

MR. CURRIN: Is it regarding this motion or not?

MR. PHILLIPS: Okay, so basically what it is going to do is it is going to lock it wherever it is at, until we change it?

MR. CURRIN: Until modified, exactly.

MR. PHILLIPS: And then we'll modify it case by case?

MR. CURRIN: Yes. Roy.

DR. CRABTREE: So, we need to think about if we move forward with the species groups, then the allocation would be for the aggregate group, right? Does that clarify that? Okay.

MR. DeVICTOR: Yes, Roy, I think that we're going to have group ABCs, correct? We're going to have – by the species groupings, we're going to have a complex ABC.

DR. CRABTREE: That seems right to me.

MR. CURRIN: Well, it's going to be derived from the sum of the allocations for the subgroups as well, I presume. It's going to be related, at least. All right, any further discussion on the motion? The motion is to remove the language referring to "three year rolling forward for future amendments" from alternatives where it appears. **Any objection to the motion? I see none; that motion is approved.**

MR. DeVICTOR: I also added Alternative 4 through 7 and perhaps the council wants to consider having those in here just for public hearing or at least to see in December. You typically look at this range of years when you look at these type of choices. I just want to put forward if you want to add this just for us to look at.

MR. CURRIN: And I presume that those X-values would be filled in based on the analysis for those particular years, right, so we have actual values in there.

MR. DeVICTOR: Yes.

MR. CURRIN: Everybody okay with that? Motion to add those alternatives? Duane.

MR. HARRIS: **I move that we add Alternatives 4, 5, 6 and 7 to this action to the alternatives that we consider in this amendment.**

MR. CURRIN: Motion by Duane; is there a second? Second by Charlie. It just gives a full range I think of alternatives, many of which we've used in the past, the same years and the like. Is everybody okay with that? The motion is to add Alternatives 4 through 7 under Action 6 for analysis in this amendment. **Any objection to the motion? I see none and that motion is approved.** All right, Rick.

MR. DeVICTOR: The next action is PDF Page 203 and this deals with ACLs. Alternative 2, ACL equals ABC; Alternative 3 is 90 percent of the ABC; and Alternative 4 is 80 of the ABC. Then there are subalternatives of should we set a single ACL or divide it up. So for small ABCs you may want to have just one total between the sectors. Based upon Dr. Farmer's presentation, I think we can go back and put in what he had put forward since that is the preferred alternatives for the grouping of species; that we can put those into here for when you meet next.

MR. CURRIN: That sounds like the way to go. Is everybody okay? Do you need a motion to do that since we've passed the previous one from Dr. Farmer? Okay, go ahead, Duane.

MR. HARRIS: **Mr. Chairman, I would move that we incorporate Dr. Farmer's recommendations under Action 7, establishing annual catch limits for the snapper grouper fishery, Alternatives 1, 2, 3 and 4.**

MR. CURRIN: I think actually it would be everything but one, but that's okay. I think the intent is clear. All right, is there a second to that motion? Second by David. Discussion? I think it follows along well with the actions we've taken earlier.

MR. DeVICTOR: And we'll have a range of alternatives in there. We'll certainly use his way, but if the team comes up with something that perhaps may work better, we'll put that in the document as an alternative.

MR. CURRIN: We certainly would allow you to do that or Myra or the team. All right, any further discussion on this motion? **Any objection to the motion? I see none; that motion is approved.**

MR. DeVICTOR: Next is ACTs, and this is PDF Page 207. There is a question by the IPT; should we move this under an AM. Now ACTs are really used as an AM-type action so I think the team thinks that we can move this into the next action.

MR. HARRIS: **Mr. Chairman, I would move that Action 8 regarding annual catch targets be moved into the next action, Action 9, for accountability measures.**

MR. CURRIN: Motion by Duane; second by Charlie. Discussion? It makes sense to me as well. Roy.

DR. CRABTREE: One thing, Rick, that I think you guys have to figure out is how to reconcile the specifications of optimum yield on the books with the specifications we're going to wind up with for ACLs and things so that we don't end up with an ACL that would prevent you from achieving optimum yield somehow. If you set the ACL at some lower percentage of landings than optimum yield is set out, you could get off with that. I don't know if that is happening in here or not because it has gotten so complicated.

I think you all need to go through it and figure that out. I know in the Caribbean ACL Amendment that we took action on last week, we bundled optimum yield into the ACL specification so that when you selected the ACL you were also selecting an optimum yield along with it, because we were setting everything as a percentage of recent catch kind of thing. We need to figure out something on that. I don't know what we have for optimum yields on the books for all these fisheries and how that works, but that's something you need to take a look at.

MR. CURRIN: Further discussion on this motion? **Any objection to the motion? I see none; that motion is approved.** Rick, would it be most expeditious to deal with the alternatives as they sit now or would we need to have them incorporated and meshed with the AM measures?

MR. DeVICTOR: Deal with it now. We have one more action under snapper grouper after this.

MR. CURRIN: All right, we've got two more actions; one more after this one, so if we can deal with those two, then we'll take a break. All right, let's look at these ACTs and see if we can come up with a preferred.

MR. DeVICTOR: Or not if you don't want ACTs.

MR. CURRIN: Or if you don't want ACTs. What is your pleasure? Brian.

DR. CHEUVRONT: Don't we really sort of need to go to ACTs on a species-by-species basis with the idea that we should apply them only if we need them for an individual species because it's not a requirement. The ACTs are put in place, if I'm understanding correctly, when you have reason to believe that you're going to have management uncertainty. In many of the fisheries we probably don't think we have management uncertainty. If we do, we may only have it in one sector and not in both. I don't know how to do that other than to go species by species and sector by sector.

MR. CURRIN: Well, from my perspective at least in the commercial fishery, with the quotas and the like and the accountability measure is closing the fisheries, I don't see any need for ACTs. I think in the recreational fisheries where there is some slop, that they are certainly worth considering.

Again, to me the alternative that considers the percent standard error for the estimates from the MRFSS adds a little bit larger buffer for those rare-occurring species, where the CVs or the PSEs are very, very broad, so it kind of automatically accounts for that in setting an ACT. On the contrary, when you have a species that you have very good estimates for and the PSEs are very, very small, the buffer is very small. In several of the ones that we have calculated already, it is on the order of 5 percent below the ACL. Brian.

**DR. CHEUVRONT: I think you just made a pretty persuasive argument there, so I'll move that we make Alternative 3B under Action 8 as our preferred.**

MR. CURRIN: Motion by Brian to select 3B as method of establishing recreational sector ACTs; second by Ben. Discussion? **Any objection to that motion? I see none and that motion is approved.** What about the commercial sector; can we deal with that now? Is everybody comfortable with the accountability measures that we have or will have in place for the commercial sector and feel no need to establish an ACT for the commercial sector? George.

MR. GEIGER: Well, if we do that, we're going to have to change the wording because it says "do not establish ACTs for the snapper grouper species or species group." That's Alternative 1. We would have to add an alternative that says do not add them for the commercial sector.

MR. CURRIN: Well, if you look at Alternative 2A, it says the commercial sector ACT equals the ACL or you add – you're right, you could add another alternative, I guess, that said do not establish an ACT for the commercial sector.

DR. CHEUVRONT: Can we have under Alternative 1; just have 1A and 1B?

MR. CURRIN: All right, Rick has advised me that if that is the way we want to proceed – and it makes the most sense to me – is just do not choose a preferred.

MR. DeVICTOR: That's what you did in I think it was 17B where you did have ACT alternatives, but you didn't choose it as your preferred. It seems to me 2A shouldn't even be in there as a reasonable alternative in my mind. You wouldn't set that if you're going to set it equal. You wouldn't need it.

MR. BURGESS: Couldn't we go with Alternative 1, no action; would that cover it?

MR. CURRIN: Well, that was George's point. That covers it, but it covers it for both sectors. It doesn't specify, so the other way to approach it is put 1A and 1B and have one refer to the recreational and one refer to the commercial. I don't know the best way to approach it, but at this point at least Rick's recommendation is that we not select a preferred. If that is okay to move forward, I think the intent is pretty clear from the committee that we don't see a need to set ACTs for the commercial industry. Let's move on.

MR. DeVICTOR: Okay, the last action, AMs, and is the typical range that we've used in past documents, and you will see it again for red grouper and black grouper. This is PDF Page 209, and we split out by commercial and recreational. Alternative 2 is after the commercial ACL is projected to be met – I think it should read that way. "Projected" should be in there. – you prohibit the purchase and sale of a certain species group.

Alternative 3, if it is exceeded, the RA is to publish a notice to reduce the commercial ACL in the following season by how much we have gone over. Then there is the recreational side of things. Again, you can choose a preferred. Again, these can have more than one preferred alternative. You can choose a range of years; use the three-year running average, and that is what you chose for 17B as a preferred.

Alternative 5 is to close the recreational fishery when the ACL is projected to be met. Alternative 6, and then what do you do if you exceeded the recreational ACL. Sub-option 6A is you would reduce the recreational sector in the following season by how much you've gone over. Option 6B would be to reduce the length of the following fishing season. There are a range of alternatives. I'm not sure if you need a preferred at this time. We're going to have to probably do this by species groups I imagine is what you'd want to do.

MR. CURRIN: Everybody okay right now? All right, would it help you out at all if we had a preferred for one or both sectors? It's not that much because we're going to have to look at it individually, anyway. That's all the snapper grouper species except for wreckfish. All right, let's take a break.

MR. CURRIN: Let's get the committee back to the table. Let's continue on; I think it's PDF Page 212, MSY for wreckfish. There is a note at the top that the IPT recommends this action be removed from the Comprehensive ACL Amendment and recommend any specification for MSY come from the council's SSC or wait until a new assessment is complete for wreckfish in 2012.

MR. CUPKA: Mr. Chairman, I would like to make a motion that we move Action 10 to the considered – or just remove it, I guess.

MR. CURRIN: Yes, David, I think there are a handful of other actions that they recommend that we remove as well.

MR. CUPKA: Yes, I didn't know if you wanted to take them all as one or individually.

MR. CURRIN: I'd prefer to just do them all at once if we can, if you're prepared to do that.

MR. CUPKA: **Well, I'll make a motion then that we remove Actions 10, 11, 12 and 13 from this amendment.**

MR. CURRIN: Motion by David to remove Actions 10, 11, 12 and 13 from the Comprehensive ACL Amendment; second by Duane. Roy.

DR. CRABTREE: Except I think taking optimum yield is somewhat of a problem; because as I understand it, if you look at Action 11, what we have for optimum yield right now is the yield at 45 percent. The problem is no one knows what that is. I think we need to re-specify optimum yield so that it coincides with where we're going to set the ACL. I would suggest that we bundle specifying OY into I guess, Rick, the action where we're setting up what the catch limit is going to be.

MR. CURRIN: Roy, would you be okay if we approved David's motion to take those actions out and then add it back in at the appropriate time?

DR. CRABTREE: Yes.

MR. CURRIN: All right, further discussion on this motion? Roy.

DR. CRABTREE: And so for MSY I guess what we're going to have is a discussion that goes through the SSC report where I think they conclude that MSY is some number higher than 250,000 pounds. I think we can talk about the highest average landings we've seen, which have been roughly 1.9 million pounds, and so I think we can safely say that we think MSY is somewhere in that range and have some discussion of all that.

MR. CURRIN: That makes sense to me. Is everybody comfortable with that approach? Any further discussion on the motion? **Any objection to that motion? I see none so that motion is approved.** Okay, Rick.

MR. DeVICTOR: Okay, the next action we come to is the ABC control rule for wreckfish, PDF Page 216. We have a recommended deletion of a sentence by the IPT in Alternative 2. Then we have the results of what the ABC recommendation is, which is 250,000 pounds. Then for Alternatives 3, 4 and 5, the highlighted text is what the team has put in there; and so instead of having a poundage we recommend that you change it to a percentage.

That is what the poundage equates, so 1.75 million pounds equals 87.5 percent of OFL. I think what we're trying to do here is if the recommendation were to change, you don't need a specific alternative or something in an amendment to change that, that you would have the percentage and it could change automatically.

MR. CURRIN: Everybody comfortable with that suggestion or recommendation? Roy.

DR. CRABTREE: Do we have an OFL for wreckfish anymore? It seems to me with the new report, we don't. We have an ABC. It seems to me I guess this is one where the SSC is kind of an exception to the normal control rule stuff, which the guidelines talks about they can do that with rationale.

I guess I'm not sure we couldn't take this action out and basically you just provide the rationale the SSC gave us for what the ABC for wreckfish is, and that's what we're going to work on for now. I guess assuming we're going to have the ACL is going to be equal to the ABC or wherever it is, then that's going to be what optimum yield for wreckfish is for now. Unless I'm missing something – and, John, help me out here – I don't know that we have an OFL to use for wreckfish. We do have an ABC, and my read is we can't really exceed that. We could set the ACL below it. Am I missing something or is that where we are?

MR. CARMICHAEL: No, I think that's where you are and the SSC I think had a robust discussion of this issue, and they bring in the issues from the assessment prior and they talk about where F is and how it looks like the fishery responded to the higher levels of effort and landing. They make the comment that the current level of catch appears to be sustainable, probably not in maximum sustainable, but a sustainable level.

They point out that some of the last estimates of F were pretty close to  $F_{msy}$ , and they'd be concerned about expansion until we get an idea of where the population really lies in terms of its biomass to  $B_{msy}$ . They didn't really have a guess as toward the MSY and thus the OFL and certainly not toward what the yield at MFMT might be because we just have no way of getting at that, so they went straight for the ABC recommendation.

MR. CURRIN: Roy, do you have a motion for us?

DR. CRABTREE: I'm not sure how to – any control rule we would come up with here, the SSC is going to say no because we don't know what an OFL is, so I think what we ought to have here is – I think we ought to replace this action with just a discussion of, as John just summarized, the basis for the SSC's ABC recommendation and that's what we have and we can't exceed it, and that's what we're going to work off of. **I would move that we replace Action 14 with the discussion of the ABC provided by the SSC and the rationale for it.**

MR. CUPKA: Second.

MR. CURRIN: Motion by Roy; second by David to remove this action and replace it with the discussion based on the SSC's deliberations of their derivation of ABC for wreckfish. Further discussion?

MR. CARMICHAEL: I would comment that down the road, when you get an assessment of this stock, you'll have an assessment, you'll have a P-star analysis, assuming it all gets supported and approved and you have a control rule to account for that circumstance, so you're covered.

MR. CURRIN: So we're waiting for the assessment in 2012 and hope that it doesn't get delayed until 2020. Charlie.

MR. PHILLIPS: Okay, so I guess if I understand correctly, if the SSC gives us an ABC, we have to live with it, we don't have the choice of rejecting it or anything. We have to live there?

MR. CURRIN: Charlie, I guess that's a question for Monica or Roy, but I think your assessment is correct. That's their requirement. Charlie was asking the question if we receive an ABC from the SSC, we don't have the latitude or authority to carry that upward.

DR. CRABTREE: The statute says you cannot exceed the fishing level recommendation of the SSC. Now, at the last meeting we sent some of those back because we didn't believe they complied with the guidelines, and I think we believed that some of what they did exceeded their authority and some things like that.

I don't really see anything in this instance with wreckfish that causes those same concerns. I think they have a pretty well-reasoned argument that they have made for it. Unless we could somehow find a reason to say what they did was arbitrary or capricious or didn't follow the FMP or something like that, I think the answer would be, yes, you can't exceed the level that they've given you at this point.

MR. CUPKA: What we actually did was it wasn't that we disagreed with their ABCs. We told them we didn't like the ABC Control Rule, which we specify and then it just has to be applied and whatever comes out of that we have to live with, but we actually didn't like the control rule that they came up with.

DR. CRABTREE: That's exactly right because it didn't comply with the guidelines and it made assumptions about risk that weren't consistent with the council's views on risk.

MR. CARMICHAEL: I was going to say is you aren't bound by them if you think it is an inadequate foundation as you discussed. Now I think in the case of wreckfish you could consider sort of the default that you've been at for many other stocks would be to take the median of the last ten years as a proxy for OFL and then take 75 percent of that.

But, the SSC looked at this stock and considered the assessment that was available and other information that was available, such as trends and catch per effort and catch per trip and things like that and came up with an alternative recommendation that actually says they believe pretty much the recent years' average landings is an acceptable level for ABC. You're not definitely bound by that. You could take 75 percent of that if you so choose.

MR. CURRIN: Any further discussion on this motion? **Any objection to the motion? I see none, that motion is approved.** Okay, Rick.

MR. DeVICTOR: Wreckfish allocations; it's PDF Page 218. Alternative 2 is 90 percent commercial and 10 percent recreational. Alternative 3 is 95 percent commercial and 5 percent recreational, and Alternative 4 is a hundred percent to the commercial sector.

MR. CURRIN: Any thoughts about a preferred for this action? George.

MR. GEIGER: Mr. Chairman, allocation issues, those are things I like to hear from the public and hear what they have to say before we deal with a preferred.

MR. CURRIN: All right, everybody else okay with sending this out with the range of alternatives that we have? It runs from 10 percent recreational as an allocation to zero. Roy.

DR. CRABTREE: You know, the thing about it is you're going to be talking about at most 25,000 pounds, and, John, I've never looked at MRFSS number for wreckfish, but I assume the CVs are – so there are no landings that show up anywhere?

MR. CURRIN: They're just indications and anecdotal information that landings are occurring.

DR. CRABTREE: And somewhere in the document I guess could we have bag limits and things like that? Okay.

MR. GEIGER: Yes, Roy, this goes back – it was allocated at a hundred percent commercial fishery, and there are recreational encounters now and they're having to throw them back dead because they're not allowed to allowed to retain them. We're looking for some type of bycatch retention allowance for this fishery.

MR. CURRIN: So we're okay with the range of alternatives that we have; 10 percent to zero? All right, let's move on, then. We'll hear what the public has to say about that range.

MR. DeVICTOR: The next action is Action 16, ACLs for wreckfish. It's PDF Page 220. The alternatives that they had in the document were 1, 2, 3 and 4. They don't specify the poundage, so the IPT came up with a range of alternatives and you have seen these for the rest of the snapper grouper species. Alternative 2 is ACL equals ABC; Alternative 3 is ACL equals 90 percent of the ABC; and Alternative 4, ACL equals 80 percent of the ABC. The question is whether to have a single ACL or to split them between the commercial and recreational. I think that probably depends on what you do in the previous action.

**MR. CUPKA: Mr. Chairman, I'd like to make a motion that we accept the IPT recommendations to replace the current wording in Alternative 2, 3 and 4 with the new wording; and that Alternative 2 be the preferred alternative; and no preferred sub-alternatives because we don't know yet what we're going to do on the allocation.**

MR. CURRIN: All right, is there a second to the motion? Second by George. The motion by David is to accept the IPT recommendations to replace Alternatives 2,3 and 4 under Action 14 with the new wording; and that Alternative 2 be selected as our preferred. Discussion on the motion? **Any objection to the motion? I see none and that motion is approved.** Roy.

DR. CRABTREE: I think the way to fix the OY problem with wreckfish here would be to add the words “equals OY” between the words “ACL” and “equals”. For example, the preferred alternative would then read ‘ACL equals OY equals ABC’. **I would move that the words “equals OY” be inserted to Alternatives 2, 3 and 4 between the words ‘ACL’ and ‘equals’.**

MR. CURRIN: Motion by Roy; second by Ben. Everybody clear on what the motion is? It’s to take care of the OY problem that we identified earlier. We’re getting it back into the amendment here.

MR. DeVICTOR: Roy, should we do also the same thing for the old ACL, “old” as in we went through it already, but for the previous ACL action?

DR. CRABTREE: I think something along those lines is what you need to do for the rest of them in the document to straighten it out.

MR. CURRIN: We’ll take care of this motion; and then if you need another motion to direct you to fix those others, we’ll do it. Any further discussion on this motion? **Any objection to this motion? I see none and that motion is approved.** Rick, would you guys like to have another motion directing you guys to go back in the previous – Roy, do you want to do that?

DR. CRABTREE: Well, I don’t know if that same specific language is going to work everywhere else; is it, Rick? **Okay, I move that we apply that same language throughout the document to specify optimum yield.** Is that specific enough, Rick, to do the job?

MR. CURRIN: Motion by Roy and a second by Duane. Roy.

DR. CRABTREE: And it also means, Rick, you’re going to have to go back in the status quo on all these and broaden it some.

MR. CURRIN: Okay, the motion is to apply the OY language in the motion above throughout the document. Any further discussion? **Any objection to that motion? I see none; that motion is approved.**

MR. DeVICTOR: Okay, the next action is ACT for the wreckfish fishery. I won’t go through these because we just went through these with the previous action, but it is on PDF Page 223. Here is a series of ACT alternatives. Again, the IPT recommendation is fold it into the AM action or actually move to the rejected alternatives appendix.

DR. CRABTREE: I guess my inclination would be to move this to the rejected because all of the landings at least right now are in an IFQ Program, which is kind of a built-in accountability mechanism. Now, I guess if we allocate some to the recreational sector, we’ll have to deal with that, but probably there are other ways to do it. I don’t know how everybody else feels.

MR. CURRIN: Currently, Alternative 3B would be impossible to do because there are no PSE values available for the recreational sector at this point. David.

MR. CUPKA: **Mr. Chairman, I would like to make a motion that we move Action 17 into the considered but rejected alternatives.**

MR. CURRIN: Motion by David to move Action 17 into the considered but rejected; second by Duane. Discussion? **Any objection to that motion? I see none; that motion is approved.**

MR. DeVICTOR: Okay, I think two more actions for wreckfish. Action 18 is specify AMs for the wreckfish fishery. There were no alternatives in there before, but the IPT has put these in here. These are the same as the ones that we've just run through previously. I won't go through those, but you can see Alternatives 2 and 3 pertain to the commercial sector where 4, 5 and 6, including 6A and 6B, pertain to the recreational sector.

DR. CRABTREE: Rick, it seems to me with the commercial fishery we already have an AM for wreckfish, and that is the IFQ Program itself. It shuts everyone down when they've caught, and so unless you have a violation or something is wrong with your accounting mechanisms, you should never go over the ACL. I think at least for the commercial sector here, my view is we don't need to take an action. The IFQ Program itself is the accountability mechanism. I don't know if we need a motion to reflect that.

MR. DeVICTOR: Yes, I think a motion to move that to the rejected alternatives appendix would probably be good.

DR. CRABTREE: **All right, I would move the commercial AM measures be removed to considered but rejected and that the document reflect that the commercial IFQ Program is the accountability mechanism.**

MR. CURRIN: Motion by Roy; second by Duane. Any further discussion to move the AMs for the commercial sector to considered but rejected? **Any objection to that motion? I see none; that motion is approved.** We have some recreational alternatives there as well. We have our kind of standard approach for many recreational fisheries where for the first year we use the first year of data and then use the three-year running average after that. Roy.

DR. CRABTREE: We have things in here about projecting when the ACL is going to be met. There would be no basis to be able to project it because there has never been a fishery. I think all you can possibly do on this one, at least initially, is to have the accountability be a post-season retrospective did you go over; and if you did, you need to shorten up or make adjustments to try to avoid it again. It doesn't seem like an in-season kind of thing is practical at this point. We could revisit that a few years down the road when we have some baseline of data, but at least for now I don't see an in-season adjustment as practicable.

MR. CURRIN: I would agree. Do we want to move Alternative 5 to the considered but rejected?

DR. CRABTREE: Well, Rick, what is Alternative 4?

MR. DeVICTOR: Alternative 4 is just to use the three-year running average.

DR. CRABTREE: **So it would just be Alternative 5 that we're removing right now, so I move that we move Alternative 5 to the considered but rejected based on the rationale I just gave.**

MR. CURRIN: Motion by Roy; second by Brian to move Alternative 5 under the wreckfish recreational accountability measures action to the considered but rejected. Discussion? Charlie.

MR. PHILLIPS: Well, didn't we talk about getting rid of the rolling average, which wouldn't that also make Alternative 4 –

MR. CURRIN: That's allocation, Charlie. Yes, that was kind of like an automatic adjustment to allocation which has been pointed out very rightly so that if it ran on for a long enough time that all the allocation would end up in one fishery. David.

MR. CUPKA: Just a question, Mr. Chairman; Alternative 4 to me doesn't really seem to be an accountability measure. It is more stating how you're going to calculate a number to look at implementing an accountability measure. I don't see where it really does anything except say how you're going to look at that number and calculate it. To me it doesn't seem to really be an accountability measure because it doesn't do anything other than say how you're going to arrive at that number. Am I missing something?

MR. DeVICTOR: Yes, you would have to have more one preferred. I think what you have done in the past, you chose, say, Alternative 4, but you choose one more alternative, so here I think you'd have to choose 4 – well, if you did choose 4, you'd have to choose either 6A or 6B with that alternative if you decide to go with it.

MR. CUPKA: If I may, it just seems to me that 4 is some wording that needs to be included in those other alternatives that are accountability measures, but that's a semantic thing; I don't know.

DR. CRABTREE: Well, if you don't choose 4, then you're not averaging, so you're going to do it on a year-by-year basis. If you do choose 4, then you're averaging, and so you can think of that as the trigger for the AM. But Rick is right, to make the AM complete, then you have to choose 6A or 6B.

MR. CUPKA: And I think basically that's all I'm saying, 4 by itself is not an accountability measure, but 4 combined with one of the other alternatives is an accountability measure.

DR. CRABTREE: Right, but you could choose 6A and 6B and not choose 4, and you'd still be okay.

MR. CURRIN: **Any objection to moving Alternative 5 to the considered but rejected. I see no objection; that motion is approved.** David, are you okay with the way this is laid out now? You have to select more than one. Any consideration of a preferred here under this action for recreational AMs? I think it is pretty clear the three-year average is the only way we're going to be able to do. We don't have any current landings to deal with.

MR. DeVICTOR: Okay, the last action for wreckfish is management alternatives. It's PDF Page 227. Currently what you have in the document is Alternative 1 through 6. The IPT recommends that we restructure these alternatives, so it's beneath that. It's 1, 2A, 2B, 3, 4, 5 and 6. It is the exact same above, but we think it just lays out better if you do it as we have it right there.

What you have is Alternative 1, don't do anything; Alternative 2, take away the January 15<sup>th</sup> through April 15<sup>th</sup> spawning closure; and then the subalternatives; 2A is the commercial sector; 2B is the recreational sector. Then Alternatives 3, 4, 5 and 6 deal with the recreational sector, and they're just changing the bag limit.

MR. CURRIN: Or establishing a bag limit. Everybody okay with the suggestion from the IPT to restructure those alternatives? Do we need a motion to accept those recommendations?

MR. DeVICTOR: Just direction.

MR. CURRIN: Everybody is fine with that? All right, everybody is good, Rick; that will be okay. How about a preferred under this action regarding bag limits? David.

MR. CUPKA: I'd like to wait and see what kind of comments we get concerning the allocation issues with regard to that.

DR. CRABTREE: Well, I question whether Alternative 6 is realistic. I can't imagine we're going to give a five – well, that's a per-vessel limit, I guess, and not a bag – I'm sorry, I was reading it as a per person, but it's not. Never mind.

MR. CURRIN: So we're okay with the range that we have here? Alternative 3 indicates to me that wreckfish is within the 20-fish aggregate snapper grouper bag limit. Now I was under the impression that it was not. It is? But you can't keep them.

DR. CRABTREE: If you're an IFQ shareholder, you could.

MR. CURRIN: Okay, move on, then. Okay, Gregg.

MR. WAUGH: This is on PDF Page 229. We'll discuss in there for the MSY and other values that are currently in place. We're not proposing to change those. Action 20 deals with the ABC control rule and ABC. You've got seven alternatives there. The IPT recommends Alternatives 2 and 3 be removed. The ABC would be based on the OFL specified by the SSC.

The IPT also recommends that – it reads Alternative 6, but it should be Alternative 7 be moved to the considered but rejected appendix as the use of a P-star does not apply to non-assessed species. Alternatives 4 through 7 apply just to the Atlantic, and so that's part of the rationale for getting rid of 2 and 3. You do have a preferred already. That's 5C where the ABC equals 85 percent of the OFL equals 10,100,463 pounds gutted weight. We've got some issues with updating some of the numbers in here and we'll resolve those before you see it at the next meeting.

MR. CURRIN: We trust you to do that. Everybody okay with removing suggested Alternatives 2, 3 and 7? Do you want to do that? I need a motion. **Motion by Robert to remove Alternatives 2, 3 and 7 from Action 20 for dolphin and wahoo in the Comprehensive ACL.** Second by George. Okay, further discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.** Is everybody okay with the preferred there? All right, let's go, Gregg.

MR. WAUGH: The next item is Action 21, OY; this is on PDF Page 231. You've got no action. You've got a preferred where OY equals the ABC and equals that same number of 10.1 million that I just read.

DR. CRABTREE: The problem with that is then in the next action, if we choose to set the ACL at 75 percent of the ABC, then we've set up a system that can't achieve OY. **I would move that we eliminate Action 21 from the document and that we incorporate the specification of OY into Action 22 to ensure that it's consistent with the annual catch limit.**

MR. CURRIN: Motion by Roy to eliminate Action 21 from the document and incorporate the specification of OY into Action 22. Second by Duane. Any further discussion? **Any objection to that motion? I see none and that motion is approved.**

The next item that you see there is ACLs, but the IPT is recommending that we deal with allocations first; and so if we do that and go over to PDF Page 235 is where we've got our allocations. The team recommends that the council consider removing references to poundage. This is part of the rationale for moving it up.

If you specify the percentages in your allocation, then when you do your ACL you can talk about what the actual poundage would be by applying those percentages. If we work on Action 23, allocations, you've got status quo. We have a preferred, Alternative 4. The IPT is indicating that Alternatives 3 and 4 are identical when you look at the percentages. **They recommend that Alternative 3 be moved to the considered but rejected appendix.**

MR. BOYLES: So move.

MR. CURRIN: Motion by Robert to accept the IPT's recommendation for Action 23 and second by Duane. Discussion? **Any objection to that motion? I see none.** The preferred is already there. Back up to 22 now.

MR. WAUGH: Yes, this is on PDF Page 233. At the last meeting we had three alternatives, 1, 2 and 3. The IPT is recommending that Alternatives 2 through 5 replace Alternatives 2 and 3 and it allows for sector-specific ACLs based on the preferred alternative.

DR. CHEUVRONT: **I move that we accept the IPT's recommendations for Action 22.**

MR. CURRIN: Motion by Brian to the IPT's recommendations on Action 22; second by David. Discussion? **Any objection? I see none and that motion is approved.** We currently do not have a preferred there. Any desire to set one at this point? Brian.

DR. CHEUVRONT: **I would like to make a motion that we set Alternative 2, ACL equals ABC as the preferred for Action 22.**

MR. CURRIN: Motion by Brian to select Alternative 2 as the preferred under Action 22; second by Mark. Discussion? **Any objection to that motion? I see none and that motion is approved.**

MR. WAUGH: Okay, Action 24 on PDF 240, annual catch targets, and these are separated by commercial and then recreational. Under commercial we've four alternatives there. Currently your preferred is Alternative 1, do not specify commercial sector ACTs for dolphin.

MR. CURRIN: Any desire to change the preferred under the commercial ACT? Currently it is not to specify one. As we have said several times already today, we have in place to try to hold that fishery to the quota, if there is a quota; and if not, we have other actions that would be triggered. No desire to change it? Let's move on to the recreational.

MR. WAUGH: Again, we have four alternatives. Your preferred is to use the PSE from MRFSS.

MR. CURRIN: Everybody comfortable with that? I'm seeing heads nod.

MR. WAUGH: The next item is accountability measures. This is Action 25 on PDF 242. The first three alternatives are what were in here the last time you saw it. Two deals with reducing the length of the following season on the recreational side; three, reducing the bag limit. The IPT is recommending that we replace those alternatives with Alternatives 2 through 6, and these are the same suite of alternatives that you saw with the previous species.

Alternative 3 that was your preferred before had reducing – on the recreation side reducing the bag limit. With the new alternatives, there isn't one that reduces the bag limit; so if you want to keep that preferred, you may want to consider adding another sub-option under Alternative 6.

MR. CUPKA: I'd like to make a motion, Mr. Chairman, that we do that. There was a lot of interest on the part of our AP to look at that as a possible alternative. They indicated they'd rather see a reduction in the bag limit than a closure in the season. I would like to add that back in or add one in for that.

MR. CURRIN: And I'm assuming your motion also included accepting the IPT's recommendation on restructuring those alternatives.

MR. CUPKA: Correct.

MR. CURRIN: Second by George. David, I've heard the same thing you have, that there would be a desire to adjust that bag limit rather than shorten the season. That's much preferable to the folks that I've talked to. **Okay, that motion is to accept the IPT's recommendations to restructure alternatives under Action 25 and add Option C to reduce the bag limit under Alternative 6. Any further discussion of that motion? Any objection to that motion? I see**

**none; the motion is approved.** The bag limit reduction option was the preferred under the old structure.

MR. GEIGER: And I'd move that be the preferred under the new structure.

MR. CURRIN: **Motion by George to select Alternative 6, Option C, as the preferred alternative under the recreational AM.** Second by Brian. Any further discussion of that motion? **Any objection to that motion? I see none; that motion is approved.** Now, the commercial preferred was also tied up into that previous Alternative 3, and that was to prohibit harvest, possession and retention when the quota is projected to be met, so we need a preferred if you so desire for the commercial sector. We already had one before.

DR. CHEUVRONT: That's Alternative 3, Mac?

MR. CURRIN: I think it may be 2 and 3. I'm trying to look at it right now – just 2 Gregg tells me.

DR. CHEUVRONT: **Okay, I'll make the motion that we accept Alternative 2 under Action 25 as the preferred.**

MR. CURRIN: Okay, motion by Brian to select Alternative 2 as the preferred; second by Robert. Discussion? **Any objection to that motion? I see none; that motion is approved.** All right, just as a note, Alternative 3 – since this has changed under the new structure, Alternative 3 is essentially a payback if the commercial sector exceeds its ACL. That's an alternative that would provide for a payback the following year by the amount of the overage. Any desire at this point at least to select that as a preferred? Nobody is jumping up and down.

MR. WAUGH: Okay, the next item is Action 26, management measures on PDF 244. The six alternatives are the same. The IPT has filled in some subalternatives under 6 that gives some specific alternatives that deal with the directive to consider a series of trip limits. Sub-alternative 6A, I believe that's the measure that was rejected in the original Dolphin/Wahoo FMP. And then Alternative 6B through 6E step it down from 5,000, 4, 3 2 and 1,000 pound trip limits.

MR. PHILLIPS: Well, it took me a minute to think about it, but the payback – do we want to think about putting a payback in if the total ACL is met and maybe not put a payback in if the total ACL is not met?

MR. CURRIN: It's late in the day and you're going to have to explain that one to me a little more simply.

MR. PHILLIPS: If the commercial actually goes over and the recreational do not catch their limit, that is what I'm talking about. I think that we have done it some other places or I thought I saw it somewhere else on some other species.

MR. CURRIN: It's up to the committee if you want that as an alternative.

MR. PHILLIPS: Well, I'd make that motion as alternative just for discussion; have a payback if the ACL is met total and not pay back if ACL is not met by either sector.

MS. SMIT-BRUNELLO: Charlie, what do you mean not pay back by payback?

MR. PHILLIPS: If the commercial guys go over their TAC, only pay it back if the total ACL is reached; i.e., do you see what I'm saying?

MR. CURRIN: So the actual reduction for the following year, I guess, is what he is getting at. One of the problems with that, Charlie, is that you're not going to know the recreational landings until much later in the year and after the fishery has already started.

MR. PHILLIPS: Well, that being the case, then I'll withdraw the motion. It was just for discussion.

MR. CURRIN: Yes, I think it is going to take some thought to craft something that is workable on that. Roy.

DR. CRABTREE: And I might have missed something; did we select a commercial AM? So we would close the commercial fishery when the quota is met. I don't know why we would have a payback in this fishery, and we didn't select a payback; did we?

MR. CURRIN: No.

DR. CRABTREE: I mean the stock is healthy; it's not overfished; and any overage in the commercial sector is likely to be relatively small, so it's probably not a problem.

MR. CURRIN: Yes, I would guess over the long term and based on the history of quota monitoring that it is as likely to be under as it is over and insignificantly either way over a period of years.

MR. WAUGH: Action 26, management measures on PDF 244. You do not have a preferred.

MR. CURRIN: Alternative is there to prohibit bag limit sales of dolphin for for-hire vessels; another one to establish a minimum size off of South Carolina; another one to increase the minimum size limit to 22 or 24 inches fork length; some to reduce the boat limit by X percentages; Alternative 6, a series of trip limits for the commercial industry. Is everybody okay with those right now; any desire to select a preferred among those? George.

MR. GEIGER: Just a question; and the difference between Alternative 3 and 4, Robert, would South Carolina be able to deal with a 22 to 24-inch fork length size limit?

MR. BOYLES: Say that again, George.

MR. GEIGER: We've got Alternative 3 to establish a minimum size limit of 20 inches fork length off South Carolina; and Alternative 4, a minimum size limit to 22 or 24 inches fork

length. Is that amenable to South Carolina as well; can we eliminate that Alternative 3 and just go with the 22 to 24-inch fork length?

MR. BOYLES: I don't have an objection to that.

MR. CURRIN: I think the only reason it was –

MR. BOYLES: I think this is just to go out to get some public comment.

MR. CURRIN: Yes, I think the reason was there, George, because there seemed to be some resistance to doing it coastwide, and South Carolina wanted the option, if that was the case, to set up their own size limit off their coast in case it didn't go coastwide.

MR. GEIGER: Well, that's why I asked him and he said he didn't have any objection to it.

MR. CURRIN: I'll bet he has changed his mind.

MR. BOYLES: As I seem to recall now, the issue was in North Carolina with the pier fishery that Brian brought to our attention.

DR. CHEUVRONT: That's exactly correct. If you get rid of Alternative 3, I'd like for you to then change Alternative 4 to include South Carolina, Georgia and Florida specifically.

MR. WAUGH: What we're trying to do here, right now what you have in place – and it is shown under Alternative 1, no action – is there is a size limit of 20 inches off Florida and Georgia and no minimum size limit north of Georgia. South Carolina was interested in considering a 20-inch size limit off of South Carolina, so that is why that alternative is in there. Alternative 4 would have a 22 or 24-inch size limit apply everywhere, and there is considerable objection to that alternative.

MR. CURRIN: Well, there is objection to that alternative. Mark.

MR. ROBSON: I'm just double-checking. My memory is not so good right now, but I think Florida also has a boat limit. I think it's less than the 60; it's 40. I don't see that. There is nothing reflecting anything like that in the alternatives.

MR. CURRIN: Well, if that's the case, then it should be reflected under Alternative 1.

MR. ROBSON: Is it in there? Yes, but it doesn't have a specific number for the boat limit. I'm just raising the issue as something to consider.

MR. CURRIN: I guess that would clarify the no action alternative to perhaps ask staff to note that Florida currently has a boat limit or verify that Florida has a boat limit of 40.

MR. HARRIS: This would only apply to Florida if Florida is the only one that has a boat limit.

MR. CURRIN: No, there is a boat limit in North Carolina, but it is not 40. It's different; it's 60 in North Carolina currently.

MR. ROBSON: I stand corrected.

MR. BOYLES: Mr. Chairman, can you clarify that; is that something that is established in federal waters or is that a state limit?

MR. CURRIN: I think it's a state limit. It was in place before the dolphin and wahoo plan if I remember correctly, that North Carolina had a boat limit of 60.

MR. ROBSON: I have a correction and we may have changed it. It is a 60-per-vessel boat limit so it does match up. It's already there.

MR. GEIGER: Well, on the commercial side we're in that area again where we're establishing poundages with trip limits. I know that the size of these animals will vary considerably and it would be tough to make it by fish limit, but we're placing an undue burden here on law enforcement to try and weight thousands of pounds of fish at sea. That's difficult. It certainly would be much easier if it would be based on fish. Can't we come up with average size again and apply just an average and equate to that poundage? Do we have a table for dolphin, Rick? Gregg, do we have it.?

MR. CURRIN: Yes, we've got a table that shows the average size in each fishery and by state, George, it varies from 28 inches to 33 – 22 or 3 depending on which fishery. Commercially it's roughly 28 to 33 or 4 inches. I'm sure there is a size/weight relationship somewhere that would allow you to convert that.

**MR. GEIGER: Well, I would recommend we do that and go with numbers of fish based on the average size as opposed to poundage.**

MR. CURRIN: Is that a motion.

MR. GEIGER: I will make that in the form of a motion.

**MR. CURRIN: Motion by George to structure Alternative 6 on commercial size limits to reflect numbers of fish rather than pounds per trip limits. Is there a second?**

MR. GEIGER: And as to discussion, it makes it uniform. We're doing this now in every plan.

MR. CURRIN: Second by Duane. Discussion? Ben.

MR. HARTIG: I think with all due respect to law enforcement, dolphin is one of those species we probably won't be able to do this for. At the beginning of the year, they're mostly large fish. As we proceed through the summer, we get primarily smaller fish. You're going to have a disproportionate problem in the later season if you set that average. I think dolphin is one we probably won't be able to do, and I would vote against the motion because of that.

DR. CRABTREE: Point of order. Doesn't the motion mean trip limits instead of size limits.

MR. CURRIN: Yes, I'm sorry, I said "size limits" and Myra just wrote what I incorrectly said. Other discussion? Tom.

MR. BURGESS: I think if you get up to trip limits of 5,000 pounds, I don't think there will be any at-sea counting of fish. Most of our enforcement in that size limits at this time is all done at the dock so we have very little checking of our fish out in the ocean.

MR. CURRIN: Thank you, Tom. Other discussion on this motion? Red.

MR. MUNDEN: In North Carolina, at least from Cape Hatteras north, the species I'm involved with, we manage our quotas in terms of pounds other than the striped bass fishery. The striped bass commercial fishery is allowed a certain number of fish and it leads to high grading. It works very effectively for bluefish, summer flounder, black sea bass and scup to go with poundage. I feel like that this would be problematic for the commercial sector because it may lead to high grading.

MR. CURRIN: Further discussion on the motion? The motion is to structure Alternative 6 on commercial trip limits to reflect numbers of fish instead of poundage. **All in favor of that motion raise your hand, one in favor; all opposed, 12. The motion is defeated.**

DR. CHEUVRONT: Mac, I want to go back to something that you had said earlier. You said you had thought there was a 60-fish boat limit for dolphin. I just went and checked our regulations online. What we show is ten per person per day for North Carolina, and I don't see any reference to a boat limit.

MR. CURRIN: Yes, it's a federal regulation.

DR. CHEUVRONT: But I show the same thing in federal waters as well.

MR. CURRIN: Well, I can tell you from experience that there are a lot of charterboat captains that don't pay much attention to that.

DR. CHEUVRONT: Okay, but that is in the federal regulation that it is 60 per vessel per day.

MR. CURRIN: Well, it is in our North Carolina regulations that are supposed to reflect the federal, and I suspect that we need to check that.

DR. CHEUVRONT: Yes, that's all I'm trying to do is confirm whether we need to check that; okay.

MR. CURRIN: Yes, that was my impression anyway. It's probably something the Division ought to check, Brian. Jack.

DR. McGOVERN: I'm not sure that the 60 per vessel applies to the headboats. I think it is ten per person per day for headboats. Also, I think we need to clarify Alternative 5, and I think that probably just applies to private and charter and headboats, but I'm not sure.

MR. CURRIN: I think you're right because there is no boat limit on headboats, so, yes, that probably ought to be clarified, Gregg, that refers to the charterboats and recreational boats and not headboats; yes, private boats. Thanks, Jack. All right, are we okay with these alternatives as they're laid out? We'll get some input from the public before we select any preferreds among these. Gregg.

MR. WAUGH: Okay, next is starting with wahoo on PDF 253. Again, we'll have some discussion in there about what the MSY values and other values are, but no action. Action 27 is the ABC control rule and ABC. You've got Alternatives 1 through 7. You're preferred is Alternative 5C, which is an ABC equal to 85 percent of the OFL, which is 935,000 pounds; and again we'll resolved these differences with the landings data for the next version. The IPT recommends Alternatives 2 and 3 be removed and that Alternative 7 be moved to the considered but rejected; the same as we did for dolphin.

**MR. HARRIS: Under Action 27, I move that we accept the IPT's recommendations and remove Alternatives 2 and 3 from the document and move Alternative 7 to the considered but rejected appendix.**

MR. CURRIN: Okay, motion by Duane and seconded by Mark. **Any discussion on the motion? Any objection to the motion? I see none and that motion is approved.**

MR. WAUGH: Next is Action 28, optimum yield, on PDF 255, and we'll need a motion to do the same thing we did for dolphin is to fold this into the discussion of ACL.

DR. CRABTREE: So moved.

**MR. CURRIN: Motion by Roy to remove this action and fold the discussion of OFL into the document elsewhere. Second by Mark. Okay, the motion is to remove Action 28 and fold in the discussion of OY into the ACL action. Any further discussion? Any objection to that motion? I see none; that motion is approved.**

MR. WAUGH: Okay, next again the IPT recommends dealing with allocations first, so let's skip over to that. That is Action 30 on PDF 259. Again, we have got Alternatives 1 through 5. The IPT recommends not specifying the values. Alternative 2 results in the same percentage as Alternative 4, and the recommendation is to move Alternative 2 to the considered but rejected.

**MR. BOYLES: A motion to that effect, Mr. Chairman; move Alternative 2 to the considered but rejected.**

MR. CURRIN: Motion by Robert and second by Duane to move Alternative 2 to the considered but rejected. **Any discussion of that motion? Any objection to that motion? I see none.**

Gregg, are you okay with the consensus of the committee to address the expression of the values in those other alternatives without a motion?

MR. WAUGH: Yes. Okay, we come back now to Action 29, which is the annual catch limit. We have had three alternatives in the previous document you looked at. The IPT recommends that suite of alternatives, replace 2 and 3 with Alternatives 2 through 5.

MR. CURRIN: Is there a motion to that effect? **Motion by Brian to replace Alternatives 2 and 3 in the old document with those suggested by the IPT in Action 29.** Second by Charlie. Any further discussion on this motion? **Any objection to the motion? I see none; that motion is approved.**

MR. WAUGH: Next is Action 31, annual catch targets, on PDF 263. Again, this is broken out like dolphin by commercial and recreational. Our commercial preferred is to not specify a commercial sector ACT, and the preferred for the recreational sector is to use the PSE.

MR. CURRIN: Everybody good with that; where we are?

MR. WAUGH: Next is Action 32, accountability measures, on PDF 265. We had three alternatives. The team is recommending that same suite of alternatives, replacing 2 and 3 with 2 through 6. We will need to discuss adding that sub-option for the bag limit here as well and then talk about preferreds.

MR. CURRIN: Everybody okay with the suggestion by the IPT? Can I get a motion to change those alternatives or substitute them? Brian.

DR. CHEUVRONT: **I move that we replace Alternatives 2 and 3 with the alternatives suggested by the IPT.**

MR. CURRIN: Motion by Brian; second by Charlie. Discussion? **Any objection to that motion? I see none.** Again, as Gregg indicated, in order to maintain our preferred we need to add an Option C under Alternative 6 as we did with dolphin.

MR. HARRIS: **Mr. Chairman, I would move that we add Option C under Alternative 6 as we did previously for dolphin under this wahoo plan.**

MR. CURRIN: And that was dealing with, I think, bag limit reductions as opposed to other methods. Motion by Duane; second by Charlie. Any discussion? **Any objection to that motion? I see none; that motion is approved.** Okay, now we need to sort out the preferreds from the old alternatives and make sure they're covered if that is the desire of the committee under the new alternatives. Commercial it was to prohibit harvest and sale once the quota is reached or the ACL is reached.

MR. WAUGH: Projected to be met.

MR. CURRIN: Yes, projected to be met. Is that still your preferred? That would be Alternative 2, yes.

MR. HARRIS: **Mr. Chairman, I would move that Alternative 2 be our preferred alternative under the commercial.**

MR. CURRIN: Motion by Duane; is there a second?

DR. CHEUVRONT: I'll second but I have a discussion.

MR. CURRIN: Okay, second by Brian.

DR. CHEUVRONT: Actually, the way the wording is right now in Alternative 2 is after the commercial ACL is met. It is not projected to be met as written so we need to add the word "projected".

MR. CURRIN: We need to add that word. Okay, the motion is to select Alternative 2 under Action 32 as the council's preferred. Any further discussion? **Any objection to that motion? I see none and that motion is approved.** All right, preferreds under the recreational? Brian.

DR. CHEUVRONT: **I move that we select the new Alternative 6C as the preferred for the recreational sector.**

MR. CURRIN: Motion by Brian to select Alternative 6C as the preferred for recreational. Second by Duane. That would reduce the bag limit if corrective action were needed. Any discussion? **Any objection to that motion? I see none and that motion is approved.** Just a point; Gregg, do we also need to select Alternative 4 as a means of determining when that measure needs to be in place?

MR. WAUGH: Yes.

DR. CHEUVRONT: **I move that we select the new Alternative 4 of Action 32 as a preferred for the recreational sector.**

MR. CURRIN: Motion by Brian; second by Duane. Any discussion on that motion? **Any objection to that motion? I see none and that motion is approved.**

MR. WAUGH: Okay, the next item is Action 33 on PDF Page 267. This was a test. We stuck some sargassum information in here to see if you all would pick up on it. Alternative 1, no action, should read "prohibit sale – what is in place now for wahoo is to prohibit sale of recreationally caught fish"

There is a 500-pound commercial trip limit, head and tail intact when they're landed. There is a bag limit of two per person per day. The specification for allowable gear is the same as it is for dolphin. That's what in place now. Alternative 2 should read "establish a boat limit of 2 to 12

wahoo per boat or vessel per day in the recreational fishery”. That’s what we had in the last document.

MR. CURRIN: So a suite of alternatives ranging between 2 and 12?

MR. WAUGH: Yes.

MR. CURRIN: Everybody okay with structuring it that way?

MR. WAUGH: If anyone needs to see it, it is under PDF 91 up in Section 2.

MR. ROBSON: Can we go back to the bag limit issue for a preferred as an accountability measure; because how it is worded, if you go over, then there is an action that would reduce the bag limit which basically would go from 2 to 1; is that correct? But normally you would reduce the season length and then you go back and correct it the following years, but in this case you’re reducing the bag limit and it would stay reduced until you did something else, so it is kind of punitive, in my mind, as opposed to an accountability measure which is more adaptable from year to year. I just want to make sure we’ve got this right.

MR. CURRIN: Well, I think, if I understand it correctly, it would reduce the bag limit from 2 to 1 or if they went way over it may put it at zero for the next year, in which case the ACL would be met and then it would go back to the provisions in the plan. That’s my understanding. Is that correct, Monica?

MS. SMIT-BRUNELLO: Give me a minute to look it over.

MR. ROBSON: It would have to be worded so that it is clear that the bag limit reduction would be in place only for the following year unless it has to be continued because we continued over the ACL. I just wasn’t sure it was worded that way. We just want to make sure we’ve got it right.

MR. CURRIN: Well, if you look, Mark, the old preferred said that if the ACL is exceeded, the regional administrator shall publish a notice to reduce the bag limit by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing year. Is that clarification enough and are you okay with that approach?

MR. ROBSON: Yes, I’m okay; it’s just that means that the bag limit could be changing from year to year, which I guess is okay. It’s just a little bit different than anglers might be used to.

MR. CURRIN: There is no action about that. The way I see it, Mark, it is a matter of reducing the bag limit or telling them they’ve got a season. You know, you can fish June and July and then you can’t keep wahoo anymore. This seems to be preferable to folks I’ve talked to, anyway. All right, we’re going to jump into golden crab. Jack.

DR. McGOVERN: One thing that we don't have in the framework for dolphin and wahoo is the ability to adjust ACLs and ABCs, so I don't know if you guys would want an action to adjust the framework accordingly.

MR. CURRIN: Well, I think we need it. It's just a matter of where it goes. It has been in a number of different amendments as that has arisen; so wherever we can best and most easily establish or create that framework, that's where we need to do it.

MR. WAUGH: So the team will bring forward some alternatives for adjusting the framework so that we can address ACLs and AMs and any other items that we can think of that need to be in the framework.

DR. CRABTREE: One other thing before we leave the dolphin and wahoo portion, we had some discussion the other day about designating sargassum as an ecosystem component species. I suppose we could do so in this document as part of the Dolphin and Wahoo Plan; and then if we did that, we could withdraw the Sargassum Plan and not have to deal with the reference point requirements. I toss that out to you as something to see if you want to consider that.

MR. CURRIN: What is the reaction from the committee on Roy's suggestion? Any thoughts or any desire to proceed down that road here? Duane.

MR. HARRIS: Mr. Chairman, yes, I love for us to either do one of two things, either make sargassum an ecosystem component species or turn management of sargassum over to HMS. It is highly migratory.

MR. CURRIN: So is that a motion to create an action under the ACL to designate sargassum as an ecosystem species and withdraw the Sargassum Plan? Monica.

MS. SMIT-BRUNELLO: Duane, you have that smile. I'm not going to shoot you down at all on this, but I've got a question. I would assume that you would also want to put some restrictions on the harvest of sargassum as an ecosystem component species? That's a question. There is a section in the discretionary provisions of a fishery management plan that state that the council can include management measures in the plan to conserve target and non-target species and habitats considering the variety of ecological factors affecting the fishery population. That is just out there for your consideration.

MR. CURRIN: Thank you and it's a very good suggestion that I think we should include in this if that's the way we go. Do you want to offer a motion?

MR. HARRIS: Well, we've already got a motion to create an action in the Comprehensive ACL to designate sargassum as an ecosystem species and withdraw the Sargassum FMP and at the same time perhaps – I don't know how you do this. Monica, if you don't have an FMP, how do you impose a harvest limit on a species for which there is no FMP?

MS. SMIT-BRUNELLO: Well, the second of the Magnuson Act I just read you allows you to make management measures in the plan to conserve target and non-targeted species and habitats.

If this sargassum is a habitat for the dolphin and wahoo fishery, then you may want to put some management measures in to conserve that habitat.

MR. HARRIS: Then we would to move to establish sargassum as EFH under the Dolphin and Wahoo Plan, perhaps, and establish those management measures under that?

MS. SMIT-BRUNELLO: I think that might be one way to go about it. Maybe you need to give staff the latitude to look into this a little further and figure out the most appropriate way for you to do that.

MR. HARRIS: Then my motion would include providing staff the latitude to figure out the best methodology to do what we just talked about doing. I still think we ought to give it to HMS.

MS. SMIT-BRUNELLO: They have to want to take it.

MR. CURRIN: I was just having a conversation with Rick and if you recall, if it gives you anymore comfort, under the CE-BA approach, the comprehensive ecosystem amendments that we've done, we have modified individual plans in that single document, and that's really what we're going to be doing in this Comprehensive ACL Amendment as well. That would just be an action – if we choose to go that way, it is the best route to modify the Dolphin and Wahoo Plan within this amendment. But, yes, you guys think about it and see whether this is the best place to do that. There is a motion by Duane; is there a second? David.

MR. CUPKA: I'll second it but I also wanted to ask a question regarding the motion. It's not just to designate the sargassum as an ecosystem component species and to withdraw the Sargassum FMP, but also to I guess take the management actions that are in the Sargassum FMP now and put them in another plan to protect it as habitat. What we talked about was a little bit more than what is indicated in the motion, I believe.

MR. CURRIN: Well, I think Monica's suggestion or question to us was whether we wanted to consider including an action along with this to prohibit harvest of that habitat, and so, yes, it is not captured in that motion. Perhaps you would want to modify your motion.

MR. HARRIS: I would love for David to modify that motion and I would accept his friendly amendment.

MR. CUPKA: Okay, you just added some wording to that which captures it now, I believe, so with that change I would definitely second it. I guess we need to read that to Joe now. **Okay, the motion now is to create an action in the Comprehensive ACL to designate sargassum as an ecosystem component species and to withdraw the Sargassum FMP and provide staff the latitude to figure out alternatives to prohibit the harvest of sargassum.**

MR. CURRIN: Any further discussion of this motion? **Any objection to this motion? I see none; the motion is approved.** Rick, go ahead.

MR. DeVICTOR: What should we do with the rest of the actions underneath sargassum; allocation actions; ABC control rule actions; ACL actions; ACT actions; AM actions? Should we remove those?

MS. SMIT-BRUNELLO: To hedge your bets because you're not quite sure what you're going to do since staff hasn't developed it and brought it back to you and completed the whole thought process on there, I think you would want to leave them in there for now at least.

MR. CURRIN: Let's do golden crab. We've got five minutes or maybe ten. Gregg.

MR. WAUGH: Okay, PDF Page 281 is where we start on golden crab. Action 41 is MSY and we have alternatives there. The IPT recommends this action be removed from the Comprehensive ACL Amendment and put it in the considered but rejected appendix.

**MR. CUPKA: I would like to offer a motion, Mr. Chairman, if I may, to remove not only Action 41 but also Action 42 from this amendment.**

MR. CURRIN: Motion by David to remove Action 41 and Action 42 from the Comprehensive ACL Amendment; second by Duane. Discussion? **Any objection to that motion? I see none; that motion is approved.** Gregg.

MR. WAUGH: Okay, Action 43, allowable biological catch control rule and ABC. This is on PDF 282. There were Alternatives 1 through 4 in there. The IPT is recommending adding Alternatives 5 through 8 for the council's consideration. These track what we've looked at for other species.

MR. CURRIN: Can we do that by consensus; is everybody okay with that? You guys are okay with us allowing you to add those as suggested without a motion.

MR. WAUGH: Okay, annual catch limits on PDF 284.

DR. McGOVERN: I think golden crab is another one where the SSC removed their recommendation for OFL for the ABC action.

MR. CUPKA: When you get through with that, I want to go back to the previous action on the ABC, if I may. I have a question for Gregg, if I may, when you get a chance.

MR. CURRIN: Are you guys clear on the implications of Jack's comment?

MR. WAUGH: Yes, we would not add any alternative that was tied to an OFL.

MR. CURRIN: Okay, thanks, Jack. David.

MR. CUPKA: I want to ask Gregg under the ABC section there, Alternative 2 is an ABC of 2 million pounds and then Alternative 8 is to set ABC based on the SSC's ABC control rule. We did get an ABC from the SSC, but was that really based on their control rule. If it was, then 2

and 8 would be the same, but would that be considered that their recommendation came out of a control rule?

MR. WAUGH: I think they were just working off of landings and not a control rule.

MR. CURRIN: Well, they were and they weren't, Gregg, because if you remember they had 4 tiers that they were working with unassessed stocks, and the fourth one is the one that they're working – correct me if I'm wrong, John – most on to try to clarify.

MR. CARMICHAEL: Yes, the golden crab does fall primarily under the unassessed. There are some assessments, but there are a lot of questions about those assessments and issues with them being applied in the past, so that is what they looked at. Their unassessed control rule – and I think they tried to evaluate where the landings were at that time. They had a lot of discussion this time around about what evidence there might be for a developing fishery and how they might interpret that, and that they got in just applying it from the landings' perspective.

MR. CUPKA: If I may, Mr. Chairman, then probably we need to leave Alternative 8 in there because they're working further on a control rule, a new unassessed species control rule, right, so that could change in the future, so we probably need to leave that in as an alternative.

MR. CARMICHAEL: There are several ways this could go. They could evaluate it and decide that maybe a DCAC or a DBSRA could be conducted for this stock or they may decide if it is on the SEDAR schedule for 2012 to maintain where you are until you get the assessment done and in which case it would be based on the ABC control rule, which would be either the unassessed or assessed, depending on where it is at that time. David is right about Alternative 8 covering a lot of the potential future uncertainty.

MR. CURRIN: Okay, I just want to make sure that we had their recommendation included in the suite of alternatives, and we do. It's 2 million pounds. I don't know what the complications are for whether we leave Alternative 8 in or take it out at this point.

MR. HARRIS: **Mr. Chairman, I would move that Alternative 2, ABC of 2 million pounds, be our preferred.**

MR. CURRIN: Motion by Duane to select Alternative 2, 2 million pounds, as recommended by the SSC as our preferred for the ABC; second by David. Discussion? **Any objection to that motion? I see none; so that motion is approved.** What about Alternative 8; any thoughts, Gregg, as to whether it's appropriate to have that in there now since they're still working on that control rule?

MR. CARMICHAEL: Didn't you discuss earlier, when you talked about this with snapper grouper, about putting some language that clarified sort of the time aspects of this; and that once you got down the road you would reconsider that?

MR. CURRIN: Right, so we could remove that, then, and include the language as suggested in the snapper grouper discussion regarding the development of the ABC control rule for unassessed stocks. Is that okay? **Is there a motion to remove Alternative 8 from the action?**

DR. CHEUVRONT: So moved.

MR. CURRIN: Motion by Brian; second by David. Any discussion? **Any objection? I see none; that motion is approved.**

MR. WAUGH: Okay, the next action is 44, annual catch limits, on PDF 284. There are three alternatives there; no action; Alternative 2, ACL equals the ABC; Alternative 3, the ACL equals some pounds less than the ABC. The IPT is recommending that we add Alternatives 5 through 8, but these are tied to the ABC discussions. What we would need is just guidance that we add in some alternatives similar to what was done for dolphin and wahoo. You can just give us that by consensus, but then come back and consider picking a preferred if are ready to do that for your ACL.

MR. CURRIN: Everybody okay with the suggestion that we allow the staff to restructure those? I think I'm seeing heads nod to the affirmative. By consensus, Gregg, that's fine. Desire as far as selecting a preferred for an ACL? Duane.

MR. HARRIS: **Mr. Chairman, I would move that Alternative 2 where the ACL equals the ABC be our preferred.**

MR. CURRIN: Motion by Duane; second by David. Discussion of the motion to select Alternative 2, ACL equals ABC, as the preferred. **Any objection? I see none; that motion is approved.**

MR. WAUGH: The next item is Action 45, annual catch target. This is on PDF 286. We've got four alternatives; no action, do not establish an ACT for golden crab. Alternative 2 sets the ACT equal to the ACL; Alternative 3, 90 percent; Alternative 4, 80 percent.

DR. CHEUVRONT: We don't really need an ACT. There is no recreation component of this fishery. **I would like to make a motion that we remove Action 45 from the plan.**

MR. CURRIN: Motion by Brian to remove Action 45 on the ACTs from the plan; second by Duane. Discussion. **Any objection to that motion? I see none; that motion is approved.**

MR. WAUGH: Action 46, which is the final action, is accountability measures, PDF 287. Alternative 1 is do not establish accountability measures for golden crab. Alternative 2, after the ACL and by virtue of deleting the ACT we just go in and delete "or ACT" in these alternatives. Alternative 2 would now read "After the ACL is projected to be met, all harvest, purchase and sale of golden crab is prohibited." Alternative 3 would read, "If the ACL is exceeded, the regional administrator shall public a notice to reduce the ACL in the following season by the amount of the overage."

MR. CURRIN: With those adjustments, any desire to select a preferred or two? I think Alternative 2 and 3 are not exclusive of mutually exclusive. The third one is a payback; the second one is an AM.

MR. GEIGER: **I so move that we have Alternative 2 and 3 as our preferred.**

MR. CURRIN: Motion by George to select Alternatives 2 and 3 as our preferreds under the AM measure. Is there a second; second by Ben. Discussion. **Any objection to that motion? I see none, that motion is approved.** We've got sargassum to do. Jack.

DR. McGOVERN: One other thing with golden crab, like dolphin and wahoo, we will have to have options for the framework for ACLs and AMs.

MR. CURRIN: Thanks for the reminder. Staff make note of that. Page 270. Brian.

DR. CHEUVRONT: I would like to make a motion to accept Alternative 2 as our preferred under Action 34.

MR. CURRIN: We just asked to create an action under the dolphin and wahoo section of this to do that exact same thing.

DR. CHEUVRONT: Okay, that was under dolphin and wahoo? Never mine, I withdraw that motion.

MR. CURRIN: So do you want to offer a motion to remove this action?

DR. CHEUVRONT: **I'll modify my motion to remove Action 34.**

MR. CURRIN: Motion by Brian to remove Action 34. Second by Robert. Any discussion? Everybody is clear; this is not being removed. It already has been moved. **Any objection to the motion? Okay, I see none and that motion is approved.**

MR. PUGLIESE: Action 35 on PDF 272 deals with the ABC and catch control. The IPT recommended that the Alternative 6B be moved to the considered but rejected as the use of P-star does not apply to non-assessed species. The SSC did not provide an OFL; and under what we have provided, Alternative 5 established the ABC based on the SSC recommendations.

The SSC provided a 12,800 pound wet weight ABC based on catch over 34 years in the fishery. We did make the recommendation to remove Alternative 6 with no OFL. Should some of the other alternatives be removed and this fishery just be reduced to two alternatives? We have OFL so those are pretty much non –

MR. CURRIN: The recommendation is remove Alternatives 3 and 6 from this action. I guess we could modify Alternative 5 and insert the ABC as recommended by the SSC.

MR. PUGLIESE: Just one other quick comment; actually, we could reduce this down to Alternative 1, no action; and Alternative 2 being the established one by the SSC of 12,000 pounds because the other ones reference MFMT and they rejected the MSY estimates of the SSC.

MR. CURRIN: The suggestion is to remove 2, 3, 4 and 6. George.

MR. GEIGER: So moved, Mr. Chairman.

MR. CURRIN: **Motion by George to remove Alternatives 2, 3, 4 and 6 under Action 35;** second by Duane. Any discussion? We've had lots of this before under other actions where we've done things similar. **Any objection to that motion? I see none and that motion is approved.** Now, Roger, do we need to change Alternative 5 to reflect that value recommended by the SSC?

MR. PUGLIESE: Yes, 12,800 pounds; ABC recommended from the SSC.

MR. CURRIN: Is there a motion to do so? Motion by Brian.

DR. CHEUVRONT: **Yes, I make the motion to change Alternative 5 to 12,800 pounds.**

MR. CURRIN: Okay, a motion by Brian to replace Alternative 5 to the SSC's recommendation of ABC equals 12,800 pounds; second by George. Discussion. **Any objection to that motion? I see none and that motion is approved.**

MR. PUGLIESE: PDF 274, allocations; it does note that there has not been any sargassum harvest. It also notes the discussion we had at the Ecosystem Committee about the possibility of being considered an annual crop and thereby not having to establish any of the specifications.

MR. CURRIN: Can anybody see any reason to keep this action in the amendment? Is there a motion to remove it? David.

MR. CUPKA: **Mr. Chairman, I would move that we remove Action 36 from the amendment.**

MR. CURRIN: Is there a second to David's motion to remove Action 36; seconded by Brian. Any discussion? **Any objection to that motion? I see none; that motion is approved.**

MR. PUGLIESE: That brings us to Action 37, annual catch limits. Presently we have a range added by the team that the ACL equal ABC and a number of percentages as well as the ACL equals zero. There was one comment about maintaining the existing catch of 5,000 pounds, which actually is not in this list at this time.

One question I have for the committee is do we really – even though the team recommended those, do we need this scope considering the bounds that the SSC had provided and the fact that

we already had a 5,000 pound annual catch limit in place? Should that essentially replace; this would be one of the alternatives, Alternative 3.

MR. CURRIN: That would make sense to me. What is the desire of the committee? Brian.

DR. CHEUVRONT: Can we just go ahead and take Alternatives 4 through 6 and put them in the considered but rejected and change Alternative 3 to equal the ABC suggested by the SSC; would that take care of it?

MR. PUGLIESE: The ABC or the existing allocation of 5,000 pounds.

DR. CHEUVRONT: Well, either way because nobody is going to go and get 5,000 or 12,000 pounds of sargassum. Okay, we'll just change ACL equals 5,000 pounds for Alternative 3.

MR. CURRIN: With some explanation that is the current value. It is in the test somewhere.

**DR. CHEUVRONT: So we're going to remove Alternatives 4 through 6 and then set Alternative 3, ACL equals 5,000 pounds.**

MR. CURRIN: Okay, motion by Brian; second by Charlie. Any discussion? **Any objection? I see none.**

MR. PUGLIESE: Action 38 on PDF 277 is the ACTs. Again, we have a number of alternatives; do not establish ACT. We have ACT equals the commercial sector – is this one that should just be ACT equals 5,000 pounds to track the previous or just eliminate ACT?

MR. CURRIN: My recommendation would be to eliminate the action for ACTs. Duane.

**MR. HARRIS: I move that Action 38 be removed from the plan.**

MR. CURRIN: Second by George. Any discussion? **Any objection to the motion? I see none; the motion is approved.**

MR. PUGLIESE: That brings to PDF 278, Action 39, accountability measures. It has an action, do not establish; or ACL or ACT is met, it provides for prohibition of sale and harvest.

MR. CURRIN: Okay, every okay with the range of alternatives that are there?

MR. PUGLIESE: Next are the management measures, and it has the existing management measure, Alternative 1. The team identified putting that into a tabular format with the different provisions. Alternative 2 provides a prohibition of all harvest of sargassum. That was added for council consideration.

MR. CURRIN: Are we okay that is a sufficient range at this point? All right, that was fairly quick. We did run over by five minutes. All right, we'll recess snapper grouper until 8:00 o'clock in the morning. David.

MR. CUPKA: Didn't you already offer Kenny 8:00 o'clock in the morning?

MR. CURRIN: Yes, I'm going to push Kenny back to 7:30; so those of who are interested in talking to Kenny and viewing his information that he has got on hook release mortality, shoot to be in here about 7:30. We will reconvene snapper grouper at 8:00 o'clock.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Topaz Room of The Charleston Marriott Hotel, Charleston, South Carolina, Thursday morning, September 16, 2010, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: I would encourage the committee to work very efficiently this morning. We're overtime as it is and I would like to finish as quickly as we possibly can, so keep that in your mind as we go through. We're going to start on Amendment 21, the Comprehensive Catch Shares Amendment that is found in Attachments 9 through 12, and Kate is going to walk us through what the team has put together on that now.

MS. QUIGLEY: We have here an options paper for Amendment 21. That's Attachment 9. If you recall the timing, we intended to bring this out to public scoping in January and February. The last time we brought it for scoping about two years ago we had a very general idea of what we wanted to bring out to people with regards to a catch share.

There were not very many details, but we did provide the Snapper Grouper LAP Workgroup Report, but that was not incorporated into the document, so most people didn't see that. One of the complaints that we got the last time in scoping was that there were really no details on what the catch share program would look like. This time we wanted to go out with something with a little bit more detail.

This is the beginnings of an options paper to bring out to scoping. There will, of course, be a scoping document, but we plan to bring out this options paper as well. Another thing we intend to bring out is a model that Andy Strelcheck is working on and the IPT team is working on, but mainly Andy Strelcheck.

It will be a model similar to the one that I had made up before but with new data in there and more options and more initial allocation type scenarios so that fishermen can come to the scoping meeting, type in their historical catch for various species, and then see what their approximate initial allocation would, so we're working on that as well.

Basically what I'm going to do is just give you an overview of this options paper, and I want to make sure that we have the actions that you want considered in here. After we go through the basic structure of the paper, we need to move forward between now and December with putting in any detail that we're able to put in.

One idea is to take a look at the Snapper Grouper LAP Workgroup Report and to incorporate some of that detail from 2008. That's from a couple of years ago. Another idea is Mark

Milliken has been speaking with various members of the fishing industry and he can put in some ideas that he has heard from people that he has spoken to.

You see the Attachments 10, 11 and 12; those are not council documents. Those are discussion papers from meetings that particular members of the industry – they have gotten together and talked about catch shares. These were meetings hosted by Environmental Defense. They got together and they put down the various details of the catch share program that they would like to see implemented.

The fishermen submitted those documents to Mark Milliken and NMFS staff, and the team talked and we decided that because it has some detailed information in there and we don't have detailed information on many of the other alternatives, we would include that for the council to just take a look at.

What I'm going to do right now is go through the options paper and please stop me when you see something you don't understand, but we want to make sure we're going in the right direction. This is something we will take out to scoping; so if there is something that you don't like or you'd like to see in there, please let me know. This is very general but we think we have the structure that we should have.

MR. CURRIN: Kate, before you move on, regarding those three meetings in the Keys and Morehead and Savannah or Charleston – I forget where it was – but the three papers, things –

MS. QUIGLEY: I think it was Myrtle Beach.

MR. CURRIN: Yes, Myrtle Beach. Do you happen to know what the attendance at each of those meetings was?

MS. QUIGLEY: I don't, but there are individuals who were at the meeting, and I expect they will be speaking during public comment and they'll be able to tell. I don't know.

MR. SWATZEL: Just a brief about those attachments; I do think it's a little bit misleading to the public when we have these attachments in a briefing document as decision documents that don't really identify the source of where they came from. We had situations in Myrtle Beach, Murrells Inlet in particular, where we had fishermen that saw all these documents and basically assumed that the fishery council had sponsored meetings having to do with catch shares and somehow they didn't know about it.

In fact, I'd have to say when I first saw these documents I wondered if I missed the meeting. I'm just expressing concern about when these kinds of documents show up in the briefing book, that at least the source of where they came from – because it doesn't really say, and I think it has caused some unnecessary concern on the part of fishermen about where the council is on the issues. Thanks.

MS. QUIGLEY: I just wanted to respond to Tom. I would agree; I didn't realize that it didn't say exactly where these were coming from, but I should have paid closer attention to that, and

we will do that in the future. Okay, here we have this options paper. This is Attachment 9. We go through purpose and need for action; quite a bit of background information.

We give some numbers in Table 1 regarding the MSY and current quota of various species that the council has considered for a catch share. Not all of these are being considered for a catch share program, but these are some of the main species that we have numbers on. If you scroll down, we get to – I'm going down to the first action.

There is quite a bit of explanation of each of the different types of programs that are being considered. I'll just say that, for example, on PDF Page 9 we have examples of types of catch share programs. Now, there are things that are being considered in this document other than catch share programs.

There are trip limits, there are endorsements, there is state-by-state quota, and then we have catch share programs. Everybody knows what catch share programs are and I'm not going to go over it right now, but there is an explanation of the definition of catch share programs. As you know, that includes IFQ and ITQ type programs. There is community development quota program – a bit of an explanation about that – sector allocation programs, harvest cooperatives.

Then there are limited access privilege programs which is basically what this council has been focused on. Then there are regional fishing associations, and there is community quota, and then there is permit stacking, so there are lots of different kinds of things that are being considered in this document.

Under actions and alternatives, PDF Page 13, we have definitions of shares in annual pounds. We tried to stay consistent throughout the document, but we might have missed one or two. Shares refers to the percentage of commercial quota when we're talking about catch-share-type programs or when we're talking about limited access privilege programs.

Annual pounds refer to the actual number of pounds. There is in the wreckfish program the coupons that are distributed each year. That's the numbers of pounds that an individual is able to catch. There is an explanation of several other terms. Then we have Section A, snapper grouper management approaches, and we list out all the management approaches that will be covered or at least we're taking out to scoping with Amendment 21. We want to make sure that we've got the whole suite of management approaches that you want in here.

I'm just going to go over them quickly. Alternative 2, trip limits, so we're going to have trip limits. If those are not thoroughly discussed in other documents, then we are going to consider it under here for particular stocks. Permit stacking; endorsement programs; state-by-state quotas; cooperatives; limited access privilege programs – that includes community quota and regional fishing association quota – and then we have something called TURFS. I can't remember what that acronym stands but it is basically by area, so privileges for fishing by particular areas. These are all the range of management measures.

MR. GEIGER: Kate, shouldn't seven be establish a catch share program instead of a limited access privilege program?

MS. QUIGLEY: That is one of the things that we explain up front is that catch share programs also refers to cooperatives and all these other types of things, so we thought we would perhaps split them out because it's very hard to talk about catch share programs in general. There are many different types of catch share programs – TURFs are kind of a catch share program – and to talk about them all in one clump of catch share programs is very difficult to do. We split it out into cooperatives, limited access privilege programs and TURFs. We can certainly put it back together again; we just had a larger section.

MR. CUPKA: Mr. Chairman, I wanted to call to Kate's attention – it's a minor thing, but it may not be minor some people; but the discussion here in the section under discussion and rationale for this action, if you go over to the next page, PDF 15, at the end of the first paragraph it talks about state-by-state catch shares. I know Susan Shipman used to always say that they had boutique fisheries in Georgia, but I still think Georgia would like to be included in that list of states that could participate in a catch share program, so we might want to add Georgia to that.

MR. CURRIN: And maybe they wouldn't.

MS. QUIGLEY: Thanks, we'll add that. One thing I should tell you, as we're going through this document, is that this was something we put together – it was difficult to put together because it was such a large options paper – over a short period of time. It had to go through lots of different people, so the discussion and rationale may or may not match the alternatives, but certainly that is something obvious that we will correct.

DR. CHEUVRONT: I believe one of the things that we had discussed before, but I'm not sure if it's included in this list here, is regional allocations. There had been some discussion at one time of grouping a couple of states together because of the issues. For example, state-by-state quotas wouldn't work for Georgia because of the confidentiality issue. There had been some discussion and I didn't know if that was going to be included in the general state-by-state quota discussion or if we need to very specifically state that here as an option. I just wanted to make sure that didn't get away from us.

MS. QUIGLEY: I think it was intended that state-by-state quotas – what we meant was regional quotas and some of us are using different terminology, so I think we're going to change that to regional quota instead of state by state.

DR. CHEUVRONT: I don't want to lose the option for state by state. I think we need to have both.

MS. QUIGLEY: Okay, I'll put in both.

DR. LANEY: Mr. Chairman, I'm not on your committee, but just for the record TURF stands for territorial use-rights fisheries. The one I'm familiar with is the one in Chili where they allocate sections of the shoreline for the loco fishery down there. It's a snail and kind like an abalone.

MS. QUIGLEY: Okay, does this encompass all of the management measures that we'd like to take out to scoping? Are there any that we're missing?

MR. CURRIN: Everybody comfortable with that list; is it complete enough for you? Any suggestions for other actions to be included and analyzed? Give it some thought. We're just starting with this thing; but if we can get it all up front to begin with, it is going to save us time in the long run. I don't see anything, Kate, and it looks satisfying to me, anyway.

MS. QUIGLEY: Okay, so let me just explain the remainder of the structure of the document and leave you to take a look at it. I'm not going to go over these in detail because you've seen them before. We tried to be very consistent with Amendment 20 and with all Gulf IFQ documents, so it is pretty much every document that has been put out with catch shares in the Gulf and here.

We have tried to be completely consistent. We here we have A-1, which is basically just the listing of the types of management for some snapper grouper species. Then we've got Section B, which is limited access privilege programs, and we state which species could possibly be included and the all of the typical things that you've seen before, initial allocation, eligibility, caps on participation, all these different details, but everything is very, very general.

No numbers are named; we purposely took out any numbers. We've got transferability in there, everything that you've seen before. We just basically say that there could be a cap on quota shares, there could be a cap on annual pounds; incidental catch provisions; banking unused amounts of pounds; borrowing pounds from the next year; an appeals process; research set-aside for research or experimental fishery; use-or-lose policy; cost recovery plan; guaranteed loan program; new entrants' program; approved landing sites; collection of royalties from resource use; an expiration provision or a sunset provision.

Then we talk about allocation of LAPPs to communities; allocation of LAPPs to regional fishing associations as they're defined in the MSA, which is one or more persons who call themselves a regional fishing association. Then we also have here a referendum, so the possibility of a referendum. Then we have Section C, which includes endorsement programs.

Now, we don't have a lot of details here, but we have the minimum requirements; qualifying years; state-by-state quotas – as you can see very, very little detail – cooperatives; TURFs; trip limits. Then we get into the appendices. Just to let you know, Appendix A is the Snapper Grouper LAP Exploratory Workgroup Report, which is the bulk of this document. Appendix B is the Golden Tilefish LAP Workgroup Report. Appendix C contains the language in the MSA with regards to limited access privilege programs. Are there any questions at all about this document or the direction you'd like to see it go in or not go in?

MR. HARTIG: I didn't see it and it might be in there, but one thing that we may need is a table that shows our quota-managed fisheries and how often the quota is being caught, how long the season is being opened; those types of things which is driving the fishermen and the council to consider this type of management.

MS. QUIGLEY: Yes, we'll be adding that for December. Jack McGovern and I intend to make a presentation at the December meeting describing the snapper grouper fishery as it currently exists and incorporate that information into this options paper. I think that's a real good suggestion and we need to do that, and we will.

MR. CURRIN: Yes, along those lines, I think a few years ago Gregg actually put together a table that had some projections as well as if things keep going as they were and it kind of makes that point as well or informs people about what might happen. You might think about if that's useful resurrecting and updating it and take a look at it, anyway.

MS. QUIGLEY: Yes, that was actually part of our Catch Shares Outreach, and, yes, we can update that and include it.

MR. CURRIN: Other suggestions or comments? Monica.

MS. SMIT-BRUNELLO: Kate, also keep in the back of your mind that the council may want to just specify what they would allow to be done with the IFQ, the catch share, whatever program comes of it on the death of a shareholder, a permit holder, whatever we're going to call this individual, because we've had a number of questions come up with wreckfish and other kinds of permits.

The council doesn't have to get into that; but if they would want to, I think there are a couple of examples or at least one that I can think that is out in which a council specified right in the regulations as to what they will allow I guess, if you will, or what they intend to allow on the death of a shareholder. We might want to think of that and I can get you that information and we can put it out there for the council to take a look at.

MS. QUIGLEY: Yes, that would be great; thank you, Monica.

MR. CURRIN: Other comments on the basic structure and content at this point? Brian.

DR. CHEUVRONT: I think the basic content is fine and the outline seems to be going well. Did we need to have some kind of a motion to make some kind of a distinction between state-by-state quotas and regional quotas? Would that be helpful? **Okay, I'd like to make a motion that we include in Amendment 21 a discussion of regional quotas as a catch share program.**

MR. CURRIN: Motion by Brian; second by Ben. Discussion? Brian, would you like to see that as a separate section or just within, say, Section D where we've got state-by-state and make that state-by-state/regional or something.

DR. CHEUVRONT: Yes, I was kind of thinking that same thing through my mind, but I really wasn't quite sure. I think we ought to leave it up to the plan team to figure out which way it works out best for them.

MR. CURRIN: Other discussion on the motion to include regional quotas? **Any objection to that motion? I see none; that motion is approved.** Anything else; any advice or recommendations to the staff at this point on Amendment 21? Kate.

MS. QUIGLEY: What do people think about the idea of including the Snapper Grouper LAP Workgroup Report, some of those details, some of those alternatives, into this options paper? Of course, you'll get to take a look at it in December before it goes out to scoping, but what do people think about incorporating some of that work that was done by the LAP Workgroup into this options paper?

MR. CURRIN: I think it's a great idea. We've been through that process with some our fishermen at least and we've gotten some feedback from them. I don't think we should lose that information. Others may feel differently. George, you obviously feel differently.

MR. GEIGER: I could see it as an attachment, but I don't think we need to put it in the paper. I mean this is kind of a fresh start and a blank slate to draw from. Certainly, any information that can be attached to it would be beneficial as information for people as they read the options paper and then read what has been done.

MR. CURRIN: Yes, I think the intent here is that – you know, this is a very rough and very general outline right now; but as we move along, it is going to have to contain more detail and more detailed options. To me the work that the workgroup did provides us with some information and thoughts and –

MR. GEIGER: And I agree and I think you can extract from that and you can probably plug it in, but I'm not ready to necessarily plug that all in yet. I think that is a work that was done, it could be referenced, and we can use it as a reference along with the papers that were included in this briefing book and others I think.

MR. CURRIN: Is everybody comfortable with that? Ben.

MR. HARTIG: Well, I felt more like you did, Mac, and certainly the fishermen wanted to see more work done on the work that they had finished in the workgroup, so I don't have any problem with outlining it in the document itself.

MR. CURRIN: Keep in mind with that whole process was kind of like pulling teeth. We had to force these guys to think about this because there was opposition, of course, as we hear now, but I think they did a very good job of forcing themselves to answer the question if you had to, what would it look like; and I think that's information that we certainly don't want to lose, from my perspective, anyway. Not to say that's the way it has to go, but those are options at least that at some point in the past some of our fishermen said, "Well, if you're going to make me do it, this is the way I'd like to see it done," and I think that's useful. I'm seeing general consensus, Kate, that, yes, that should be incorporated as needed. Charlie.

MR. PHILLIPS: Yes, I would just kind of leave it up to the staff to pull out what need and put it in the document just as needed. Some of it could go in an appendix, but if they have some

specific stuff that they felt like the fishermen – then go ahead and use it in the document as needed.

MR. CURRIN: And I believe that's exactly what Kate was asking, if we wanted to start anew or if it was okay, as we got into specifics of a regional association, as an example, that we could draw on the history and what has been developed. Don't let me put words in your mouth, but I think that is what you were thinking, right?

MS. QUIGLEY: Yes; I mean, so what I'm hearing is direction to incorporate some of those details from the LAP Workgroup. That's what we will do and we will focus on the LAP Workgroup Report; and if there is anything additional that we add in, we'll highlight and show it to you in December.

MR. HAYMANS: I had a question that dealt with Page 54 and 55 of the PDF. As I was sort of scrolling through, there are some bullet points there address transferability and the pros and cons. Then it lists Federal Code Section 303A(c)(7); is that supposed to be justification for transferring quota or is that simply the federal code section that says the license has to be transferable?

MS. QUIGLEY: I'd have to take a look, but I'm sure it's not encouraging transferability. I'd have to take a look; what was it?

MR. HAYMANS: 303A(c)(7); it's on Page 55 of the PDF. It says establish a policy and criteria for transferability of the limited access privileges, but it doesn't really say anything about transferability of quota. Is there a federal code section out there that talks about transferability of quota, that it's required in a limited entry program?

MS. QUIGLEY: No, it's not required, and in the MSA they used the word "permit" to refer to quota sometimes.

MR. HAYMANS: Are there other examples out there or could there be some discussion of programs that don't have transferability of quota? In other words, we were talking yesterday about the deceased quotas going back into a lottery system rather than being able to be sold; some discussion of that, I think.

MS. QUIGLEY: We can. I only know of one catch share program that does not have transferability and that is in Norway. At one point they did have transferability. They got rid of the transferability because they didn't like the impact that they were seeing to small communities. We can certainly talk about that. Other than that, I don't know of any catch share program that does not have transferability, but we can certainly talk about that one case that I do know of and I can look for others.

MR. CURRIN: But I think the bottom line is, Doug, that Section 303A(c)(7) doesn't require that you have transferability. It requires that you discuss it and establish a policy. Your policy could well be there is no transferability. That's the way I interpret it, anyway. Is that correct, Kate, from your understanding?

MS. QUIGLEY: Yes, you have to discuss it and give rationale one way or the other as to why or why not you're doing transferability; so establish policy and criteria for transferability, but certainly you don't have adopt it.

MR. CURRIN: All right, what else do you need from us, Kate, at this point?

MS. QUIGLEY: That's it.

MR. CURRIN: All right, thank you very much; a lot of work and I think we're off to a good start on this. It's sufficiently broad to allow for input from people all over the place. All right, we will move on to our next agenda item, Amendment 22, Attachment 13, and these are long-term red snapper management considerations. Rick.

MR. DeVICTOR: Attachment 13; this is an options paper that the team has put together to begin a document, so we should talk about when you'd like to scope this. I think we're thinking about January and February. The staff has been thinking about that time period. Again, these are regulations that are put into place as the stock rebuilds over time.

What you should look at is on the first page. You see a table there that has the alternatives. Trip limits for the commercial sector is Alternative 2. A recreational tag program for all the species in the snapper grouper fishery management unit is Alternative 3. Commercial and for-hire catch share program and a recreational tag program, which would just apply to red snapper, is Alternative 4.

Alternative 5 you can see is a commercial, for-hire and recreational tag program for red snapper. Alternative 6 is a recreational and for-hire program and a commercial catch share program which would just apply to red snapper. Alternative 7 is a commercial catch share program and a recreational catch share program – you'd probably want to talk about that somewhat as far as a recreational catch share program. That's for red snapper.

Alternative 8 is a commercial and for-hire catch share program and a recreational tag program. This would apply to red snapper and the top ten co-occurring species, so it doesn't apply to just red snapper and it doesn't apply to all 73 species. Finally, Alternative 9 is an alternative that was in the Amendment 17A rejected alternatives appendix. That had a tag system for all sectors in a specific location. That was in 17A.

We have the details of all the alternatives in the following pages, but I'll just show you the table. I have heard so far bag limits, addressing the size, and so you may want to add that to the range of alternatives. We also have a motion on this, too, that we tabled that we want to get back to you.

MR. CURRIN: Before we get to George's motion we tabled, let's talk about the range of alternatives here that have been identified; specifically the ones that Rick pointed out regarding catch share programs, which I don't see as being viable at this point because of the license structure and data capabilities. Ben.

MR. HARTIG: Can we add endorsements to this list, too, Rick?

MR. CURRIN: Is that motion, Ben, to add endorsements to the list of alternatives?

MR. HARTIG: Sure.

MR. CURRIN: Okay, motion by Ben; second by Charlie. Discussion? **The motion is to add an alternative for endorsements to the options paper in Amendment 22. Any objection to that motion? I see none.** I would speak in favor of adding some consideration of size and bag limit alternatives as well. To me, I think we should consider seasonal considerations or a season. I think that is a possibility; you know, time-area closures basically but implementing a season. Those are the three things that had occurred to me as I went through this. Robert.

MR. BOYLES: Mr. Chairman, that's a great suggestion. I would call it as kind of traditional management measures, and I would make that in the form of a motion.

MR. CURRIN: **The motion by Robert is to add alternatives for bag limits, size limits and seasonal closures to the options paper.** Second by Tom. Discussion on that motion? Robert.

MR. BOYLES: Just out of curiosity, Mr. Chairman, do we need to talk about gear? We had a lot of discussion about spears. Do we need to add that to this motion?

MR. CURRIN: I don't know; that's up to you.

MR. BOYLES: I look at this as kind of our traditional tools in the toolbox and certainly a gear restriction is what I'd call more traditional –

MR. CURRIN: It makes perfect sense. Is it okay with the seconder to add gear as a parameter in this? Okay, I'll read again; add alternatives for bag limits, size limits, gear and seasonal closures to the options paper. **Any further discussion? Any objection to that motion? I see none.** What about recreational catch shares that are identified here in a couple of these alternatives? We're looking at catch shares in Amendment 21 primarily for the commercial fisheries. Do we want to try to go down that road here? I see it as fairly fruitless at this point. Is there a motion to remove recreational shares from the alternatives in Amendment 22? Duane.

MR. HARRIS: **Mr. Chairman, I would move that we remove recreational catch shares from the suite of alternatives to be considered in this amendment.**

MR. GEIGER: Second by George. Discussion? Charlie.

MR. PHILLIPS: It may not be practical but the time this goes into effect and we actually can take some red snapper, we may have possibly a catch share ready to implement. It may be that we do want to leave it in there for discussion, anyway, and it might be something that the recreational sector would like to look at. Can we get there – it's a long way out, but all of this stuff is a long way out, so I think I'd vote against the motion just for that reason.

MR. CUPKA: Mr. Chairman, I seem to recall – and maybe not correctly – that there was some interest by perhaps the for-hire sector in getting some kind of allocation as opposed to the entire recreational sector.

MR. CURRIN: Yes, and under Alternative 6, David, I guess if we remove the recreational, we would leave the for-hire and commercial as a consideration, if that's sufficient for you.

MR. CUPKA: If that's the understanding, yes; I just didn't want to take it off.

DR. CRABTREE: And that means we're things like a fish tag program off the table? To me, a fish tag program, if there is a limit on how many tags are available, I think is a catch share program.

MR. CURRIN: Well, if it is, it's included in Alternative 9 as a measure for consideration. We can talk about what you want to call it and how to classify it, I guess, but it is not being tossed out with this motion, the consideration of a tag program. That's my understanding. Robert.

MR. BOYLES: Mr. Chairman, I agree with Charlie. I think this is such new ground for us at that point and I am sensitive to the workload that we're going to be putting on the team. But, given that we are in this Brave New World, I think I would speak against the motion just so we've got a full suite of options available to us. It may very well be that it's extremely impractical. I'm not sure how I feel it applying to the recreational sector, but I don't think we need to take it off the table yet, so I'll speak against the motion.

MR. CURRIN: Any further discussion on the motion? **All those in favor of the motion raise your hand, 3 in favor; all opposed, 8 opposed. The motion fails.** Okay, other suggestions for inclusion as alternatives here? Have we got everything that we're aware of or want to have included in here already? Everybody is satisfied with the direction we're going here?

Again, early on; give it some thought. If there are other things that pop up, let me or the staff know. All right, Rick, I don't see anything else. George had motion, if you recall, that was tabled the other day to set up a new separate advisory panel to assist us as we move through and consider these actions or development of this Amendment 22 regarding red snapper. George.

MR. GEIGER: Thank you, Mr. Chairman, and then certainly I mentioned this a couple of meetings ago and unfortunately I wasn't with it enough to make a motion to do it two meetings ago. At this point, now hearing that this is going to go to scoping in February, this motion probably is – I don't know how we could even convene an AP, get an AP formed and get people together to help us do what we just did.

I think there are a lot of other ideas that are probably out there, and certainly I hope we would hear them in scoping in February. Unfortunately, if you look at the history of scoping on this council, you virtually have no participation. This may be the turning point for scoping where we do get a lot of participation if it is their only opportunity to provide input.

I think our information officer does a fantastic job getting the word out, and I would encourage that we get the word out several times before this particular scoping activity takes place in February in an effort to get as much participation as possible, but past scopings on this council have been very sparsely attended both in terms of physical presence and ideas. I think that would probably be the appropriate place for us to succor ideas from the public and move them forward. Based on that, I would withdraw my motion if it's okay with the committee.

MR. CURRIN: Well, is there a motion to untable the motion?

MR. BOYLES: So moved.

**MR. CURRIN: Motion by Robert to untable; second by Duane. Any objection to that motion? The motion has been untabled and is now before you. Okay, the motion which has been untabled is to establish an AP of constituent groups to develop management schemes for the red snapper when the stock is deemed recovered to the point a fishery can be reinstated. Is there any objection to withdrawing the motion? I see none.**

Just for your information, George – and it's the only concern I had when you made that motion is that, as you well know, currently have a Snapper Grouper Advisory Panel, and in fact they are going to meet between now and when scoping occurs. I realize that may not provide the depth of input that you would like from participants that are very closely tied to the red snapper fishery, but we do at least have some people that encounter them and know something about that fishery.

MR. GEIGER: But I would also add to that that the Snapper Grouper AP is somewhat imbalanced with regard to participation, and you have individuals who are not necessarily associated with large user groups who could funnel information from those user groups and be supportive of moving these measures forward to large numbers of people. My only idea here was to bring people in who had the ability to access larger groups and carry the word and bring information back to us to make the job of developing how we're going to manage this fishery when it recovers easier. That was my only intent.

MR. CURRIN: Okay. All right, what else, Rick?

MR. DeVICTOR: That's all I have right now.

MR. CURRIN: That's all you have and all you need from us on 22. Let's move into 24, red grouper and black grouper, Attachment 14.

MR. DeVICTOR: Okay, you begin on PDF Page 26, and this OY for black grouper. We have a typical range of alternatives that we used in the past; Alternative 2, 65 percent of Fmsy; and 75 percent of Fmsy; and Alternative 4 is 85 percent. We may want to discuss here if we have an alternative – and you can see that in the note OY equal to ABC. Do we want to look at OY equals to ACL? There is an alternative for an ACL that we will talk about in a second. One thing that we haven't done but we should do is look to the assessment and see what the OY value is at F 45 percent, which is the no action alternative.

MR. CURRIN: Discussion; what are your thoughts, committee? Rick, are you looking for preferred alternatives at this point in this document?

MR. DeVICTOR: No, it hasn't gone to scoping yet.

DR. CRABTREE: Rick, I see we've got ACLs and all that kind of stuff for black grouper, but didn't we have a preferred alternative yesterday that would establish a multispecies ACL that would include black grouper?

MR. DeVICTOR: That was in the Comprehensive ACL Amendment.

DR. CRABTREE: We had Nick's presentation of all these groupings, and I think one of them was shallow water grouper or something like that and it included black grouper in it. I thought we approved that is what we were going to do. We also, it seems to me, in 17B set up multispecies ACLs I think with a shallow water grouper ACL and things. I'm not sure if we need to go looking at individual ACLs with black grouper if we're going to have the multispecies ACL. I just want to make sure we aren't spinning wheels on something that's we're really not doing to do.

MR. CURRIN: It might be useful to pull up Nick's presentation from yesterday because I don't recall. Some of them, because we had assessments, he had them separated out into – they were within that complex, but they weren't included within the ACL, and I can't remember. Yes, Rick had got it up and it was included in that shallow water complex.

DR. CRABTREE: So if that's how we're going to go, it seems to me the ABC and all of that would be dealt with in the complex, and it's not clear to me why we'd need to revisit it here necessarily. I guess if that's the case, then it's not clear to me why black grouper needs to be in this amendment at all.

MR. DeVICTOR: Yes, I just would ask since we are establishing those groups in the Comprehensive Amendment, perhaps pulling back black grouper and just have this amendment deal with red grouper and put in the plan to rebuild the stock.

DR. CRABTREE: It seems like where we're heading to me.

MR. CURRIN: Is that a motion by you, Dr. Crabtree?

DR. CRABTREE: So moved.

MR. CURRIN: **Motion by Dr. Crabtree to remove black grouper from Amendment 24 because it is being addressed within the complex of other shallow water groupers elsewhere.** Second by David. Go ahead, Ben.

MR. HARTIG: Yes, it's pertinent to this motion. Have we made a motion that we are going to definitely go the way of the species groupings from Nick Farmer's presentation; have we done that formally?

MR. CURRIN: Well, it's not a done deal, Ben, but it is a preferred at this point, I believe. Roy.

DR. CRABTREE: If we decide we're not going to do that, then we'll have to resurrect this sort of thing for a whole bunch of species, I think.

MR. CUPKA: Mr. Chairman, if we do this, though, one thing we need to remember is we also have this jurisdictional allocation issue on black grouper that we need to put in the Comprehensive ACL Amendment if we're going to drop it from here.

MR. DeVICTOR: Yes, I would think as we go through these I think the entire suite of actions would have to be moved into the Comprehensive ACL Amendment.

MR. HARTIG: When we put these numbers up on these tables, it would be – especially for the public it would behoove us to put the explanation of how that number was derived as far as from OFL, where that came from so the public knows in this new way we're going to be doing things of where the number came from in an assessment.

MR. CURRIN: Further discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.** All right, Rick.

MR. DeVICTOR: Okay, the next action is to establish an ABC control rule for black grouper. You can see we have a series of alternatives there. The preferred alternative is Alternative 5. That's using a P-star of 0.33. I'll just point out that Alternatives 2, 3 and 4, those values are based on landings where for Alternative 5 it's landings and discards, so we'll be sure to show the full value for Alternatives 2, 3 and 4. You do have a preferred alternative in the amendment and that's Alternative 5.

MR. CURRIN: Any discussion and any desire to change the preferred? I see none. Roy.

DR. CRABTREE: It's not clear to me what the difference is between Alternatives 3 and 4. It seems to me that the yield at the MFMT is the OFL, and so the yield at 65 percent of the MFMT and the yield at 65 percent of OFL are exactly the same thing. I would just ask if that's correct and you all take a look at that; but if that's correct, then they're duplications and we need to just have one. Jack is telling me they're not the same, so never mind.

MR. DeVICTOR: Our next action is jurisdictional allocations. It is on PDF Page 28. We have a series of alternatives where the Gulf staff and South Atlantic staff put these alternatives. It was brought before the Gulf Council – and David could probably speak to these. What the Gulf Council did is they removed Alternatives 2 and 3 to the rejected alternatives appendix, so that is something that we should talk about.

What we did is our preferred alternative – we didn't call it preferred but we sent a letter to the Gulf Council saying that we preferred Alternative 4B and that's using the equation that we have used in the past. Again, there is one ABC for the Gulf and South Atlantic so we need to split it between the two before we get into splitting it between the sectors.

MR. CUPKA: Mr. Chairman, I'm like Rick, I thought we had already picked a preferred, but actually we just put it in the letter suggesting to the Gulf. At their last meeting they did vote to go along with our suggestion of 4B, and so I'd like to make a motion that 4B be our preferred alternative.

MR. CURRIN: **Motion by David to select Alternative 4B as our preferred; second by Ben.** Discussion? David, the Gulf seemed fine with that; no problems from them?

MR. CUPKA: Yes, they did, they put together some additional alternatives that you see here, but we realized that they re really weren't very workable, some of them, and those ones that they moved were some of those. It just wouldn't have worked out, so they were satisfied to go along with that.

MR. CURRIN: Further discussion on the motion? **Any objection to that motion? I see none and that motion is approved.** Did I also hear Rick say that the Gulf Council had voted to remove Alternatives 2 and 3 and is that something we want to consider as well? David.

MR. CUPKA: **Yes, and I would like to make a similar motion that we remove Alternatives 2 and 3 to the considered but rejected.**

MR. CURRIN: Motion by David to move Alternatives 2 and 3 under this action to the considered but rejected appendix. Second by Roy.

DR. CRABTREE: I think the rationale for that is that the black grouper is part of a multispecies IFQ program in the Gulf of Mexico, so it wouldn't work to have it managed by the South Atlantic because that would have to take it out of the IFQ. It also wouldn't work to have the Gulf manage commercial black grouper because they can't extend the IFQ into the South Atlantic's jurisdiction or at least it would be a big mess to try and do that. They're just not workable arrangements given the IFQ Program in the Gulf.

MR. CURRIN: Further discussion on the motion? **Is there any objection to the motion? I see none and that motion is approved.**

MR. DeVICTOR: The next action is sector allocations, and this is on PDF Page 34. Previously, when you saw this in June, you had two alternatives. Alternative 2E; again, that was using that equation; and then Alternative 3E. The team has gone ahead and added alternatives for your consideration, 2A through 2D and 3A through 3D, just to have a range of alternatives, but you did specify your preferred alternative as 2E. Again, we should talk about that language that is highlighted to use three years rolling forward.

MR. CURRIN: Yes, as you recall yesterday, this was the issue Ben brought up where if we let this kind of process run far enough, it could result in a single allocation to one or the other sectors depending on landings. It makes sense to eliminate this language. Is there a motion to that effect? Motion by Charlie to remove the language – does it occur anywhere else, Rick, in the document – so, yes, everywhere it occurs, to remove the language referring to a three-year rolling forward for future amendments.

MR. CUPKA: Second.

MR. CURRIN: Second by David. **The motion is remove language specifying three-year rolling average from Alternatives 2E and 3E. Any further discussion on the motion? Any objection to the motion? I see none and that motion is approved.** Is everybody okay with the preferred as it is, 2E? Okay, Rick.

MR. DeVICTOR: You can see in the language of the alternatives that we specify ACL for one year. As you recall, your current preferred alternative for ABC goes out to five years. I think typically in the regulations we have seen a maximum of extending out to three years, and I'm not sure if that's something you want to do in the regulations specifying ACL for three years forward or just specify if for one year and holding that value.

DR. CRABTREE: Where are those numbers in the document, Rick?

MR. DeVICTOR: PDF Page 27.

DR. CRABTREE: Jack tells me these ABCs are landings and discards; is that correct, and somewhere they're broken down into just landings?

MR. DeVICTOR: It's PDF Page 29.

MR. CURRIN: How do you want to handle it? What are the implications if we set for one year; we're going to have to come back in and deal with it every year?

MR. DeVICTOR: Through framework.

MR. CURRIN: Through framework; that is not very appealing to me unless there is some real, real good reason to do it. Roy.

DR. CRABTREE: Well, the thing is if you want to hardwire the increases in, then you're going to need somewhere in your accountability mechanism to spell out that if you go over, that negates the increase for the next year. These increases are predicated on not going over them, so you're going to need some language there that if you go over, then the quota remains the same.

MR. CURRIN: Well, still from my perspective, that may be more desirable than having to come back in and look at it every year. I don't know; there may be a greater disadvantage there. I'm not trying to influence which way we go on it; just offering thoughts. Brian.

DR. CHEUVRONT: I have a question for you, Roy. You had suggested that if they go over one year, that the quota would remain the same. Could it not just be the overage would be taken off from the next year and we could hardwire the quotas in there? Would that not achieve basically the same end?

DR. CRABTREE: It might. I think you'd have to ask folks to take a look at it and consult with the center on it.

DR. CHEUVRONT: I think logistically that might be the easiest way to handle overages; wouldn't it?

DR. CRABTREE: That would logistically be easy enough to do. I don't think of it is logistically all that hard. You just need to be clear about how you want to do it.

MS. SMIT-BRUNELLO: I think, Brian, that is the way we've handled at least currently proposed in 17B for some overages; that if there is an overage, based on this running average or whatever, it will be taken off of the next year's amount that can be harvested.

DR. CHEUVRONT: Part of my concern on that was if we go with like what Roy had said that we don't get the increase in the next year. Well, what if they go over it again that following year and then now you're back to the quota level you had from three years ago as the one you're using now, and that just strikes me as becoming more cumbersome.

MR. CURRIN: Well, we do have AM measures in the document that we're going to talk about, so the mechanism of doing that we'll have opportunities to do it. It is just a matter of whether you want to take the risk of leaving potentially biomass on the table or landings on the table if they're under or do you want to adjust them in some way on an annual basis or just let the amendment do it through some pre-prescribed AMs. Charlie.

MR. PHILLIPS: Mr. Chairman, the AMs are only going to count for overages. The AMs won't work for underages; will they?

MR. CURRIN: No, not unless we prescribe them as such to carry forward that quota. It's just easier to me to deal with it one time and let it roll and adjust for it; but if there is some advantage or the council wants to come in every year and look at it and adjust it every year based on what happened the previous year, that's fine.

I have a hard time seeing how that is going to work because we're going to get the values after the fishing year is closed. By the time we make some decision and get something implemented, we will have lost a year and then we're going to have to come back again. I don't know; that doesn't make a whole lot of sense to me to have to come back in and do it every year. Roy.

DR. CRABTREE: To make it even more complicated, if we put this into a multispecies group, then your accountability measures are going to apply to the multispecies group and likely the overage will be a multispecies overage. I'm not sure how all this works with that; because if it's in one of those groups, there won't a black grouper specific AM, I don't think. There would just be the overall group.

MR. CURRIN: Well, I guess we could set up so that we had an AM for each one because the quotas are going to be tracked separately. The way I understood Nick's presentation yesterday, as long as you didn't exceed the overall ACL you could close one part of the complex if they met a quota. I don't know how those AMs are set up, I can't recall. Maybe we haven't done that yet, but can we adjust or set AMs for each of the members of the complex if we have a quota for that?

DR. CRABTREE: Well, I think you can, but I think part of the reasoning for the groups was to not have to do that and not have to have so many AMs, but I think this is all complicated enough that we're not likely to figure it out right here and now. I think probably what we're going to do is ask staff to think this all through and figure out what might work and bring it back to us the next time.

MR. ROBSON: I was just going to try to refer us back to what Rick has put up on the screen. This is one of the ideas, I thought, of subdividing some of these complexes and we could address these, and particularly for black grouper. It is a very localized fishery in Florida and we want to be able to manage it as specifically as we can without to necessarily be tied to other species in that grouping that may be in a lot more difficulty or more restrictive in terms of the management approach that we have to take. I would argue for trying to keep some separate AMs for this kind of a fishery.

MR. CURRIN: Is everybody okay with Roy's suggestion to let the staff ponder this some more and try to come forward with some recommendations, if they can, that makes sense or understandable? All right.

MR. DeVICTOR: The remaining actions deal with ACLs and AMs, and it's PDF Page 36. I don't think that we need to go through these in too much detail since staff is going to go back to the drawing board and try to figure these out and come back to you in December, so I don't think you have to go through these in detail.

MR. CURRIN: Any questions about the alternatives as they exist for annual catch limits? You heard Rick say we're going to have to rethink some of this and come back in the future to make some decisions.

MR. DeVICTOR: Okay, the next species is red grouper, and it's PDF Page 41. We have MSY alternatives. Alternative 1 is no action; Alternative 2, we have a preferred alternative. We did get an Fmsy value from the stock assessment.

MR. CURRIN: Is everybody comfortable; we've got a preferred. All right.

MR. DeVICTOR: The next action is the rebuilding schedule for red grouper. This is PDF Page 42. You have a range of alternatives that we typically see. Alternative 4 is T<sub>max</sub>, which is ten years to rebuild the stock. As the statute said if you can do it within ten years, you get ten years. Alternative 2 is what we call T<sub>min</sub> and that is the fastest time, which is three years. The midpoint between that is Alternative 3, which is 6.5 years.

We did just get rebuilding projections from the science center that shows us how the stream would be if you rebuild in seven years. I got those on Friday so I haven't put those in the document, obviously, but it's something that we should look at probably when you see this document next and see the pros and the cons if you had a faster rebuilding schedule, which is to rebuild in seven years.

MR. CURRIN: You will note that Table 2-3 indicates that Alternative 4 is the preferred, but it's in fact not a preferred. Any desire to select a preferred? Mark.

MR. ROBSON: **I would like to go ahead and move Alternative 4 as the preferred.**

MR. CURRIN: Motion by Mark to select Alternative 4, which Tmax, as a preferred alternative; second by Brian.

MR. ROBSON: Mr. Chairman, just as an explanation, again, given everything in the snapper grouper fisheries in the Atlantic that are going on and some of the things that we're doing that are having such an impact; again, if we can draw out that red grouper rebuilding schedule it might give us a little bit more flexibility to do some things that won't be quite as onerous.

MR. CURRIN: Other discussion on the motion? The motion is to select Alternative 4 as the council's preferred under the red grouper rebuilding schedule action. **Is there any objection to the motion? I see none and that motion is approved.**

MR. DeVICTOR: Okay, the next action is the rebuilding strategy, and in this action we include OY and the ACLs. There is a table there and you can see the range of alternatives. Alternative 2 is Frebuild. Alternatives 3, 4 and 5 have various percentages of Fmsy. You can see what the catch limit would be in Year One, and then you can also see what the OY value would be. Under each of these alternatives we specify what the recommendations were for ABC, the ACLs and the OFLs and OYs. The recommendation for ABC is shown under all these alternatives, and so that 665,000 pounds whole weight.

MR. CURRIN: Any questions? Any desire to select a preferred? Roy.

DR. CRABTREE: I'm a little reluctant to select preferreds. I know we just did it, but there is really not any analysis in this document yet. It always worries me when we select preferreds before we have any analysis to base the selection on.

MR. CURRIN: Are we comfortable, then, with the range of alternatives that are available for this action? No suggestions for additional ones?

MR. DeVICTOR: Like I mentioned, we do have projections to rebuild in seven years to Bmsy, so we can add that suite of alternatives to this document. These all rebuild in ten years, so now we have a suite of alternatives for seven years.

DR. CRABTREE: It's one we're going to have to look at, and I suspect this is how it will go. I suspect the economical analysis will show the long-term economic benefits are greater if you choose a shorter rebuilding plan than if you choose the longer one. That's normally how these things tend to work out. Mark's rationale mostly seemed around economics and so you're going to have to figure out how to deal with that in some when you get the economic analysis.

MR. CURRIN: And we can do that. Roy.

DR. CRABTREE: Just a general question; Rick, are these ABCs such that we're likely to require additional management measures to reduce catches or are the current catches in line with the yields that the rebuilding strategies suggest?

MR. DeVICTOR: I think the maximum ACL in these alternatives is 622,000 pounds each year. I looked at 2009 landings, preliminary, and they were 700,000 pounds approximately, whole weight, so it appears that landings in '09 were above all these ACL alternatives. We were hoping that the regulations in Amendment 16 would possibly be a case where we wouldn't have to do something – again, that's the four-month closure and going from a five to a three-fish bag limit – but it looks like that we may need additional regulations for this species.

DR. CHEUVRONT: We didn't have the four-month closure in 2009, though. It was only this year we had the four-month closure. It started in 2010 so it's possible that this year's four-month closure may have taken care of this.

DR. CRABTREE: It went into effect in June or July of 2009, so the 2009 would not have had the four-month closure.

MR. CURRIN: That's correct; so we don't know yet is the answer, but should know soon.

MR. DeVICTOR: Allocations, this is on PDF Page 48. This is the same as black. We have the same range of alternatives so you probably could adopt that by a motion to adopt the same. We had the same questions with Alternatives 2E and 3E, this rolling forward language. The current preferred alternative is 2E.

MR. CURRIN: So we need another motion to remove that – I was trying to get that to the point where it did it everywhere in the document, but I don't think we did. I think it was specific for the black. Brian.

**DR. CHEUVRONT: Mac, I'm going to go ahead and make that motion that we remove the language regarding the three-year average rolling forward from the entire document.**

MR. CURRIN: Motion by Brian; second by David. Discussion on that motion? It's the same thing we have done several times with the rationale previously. **Any objection to the motion? I see none and that motion is approved.**

MR. DeVICTOR: Okay, the final action is AMs which is on PDF Page 50 and actually extends on to PDF Page 52. You first deal with the commercial AMs, and, again, it is to prohibit the purchase and sale once you're projected to meet the ACL, and we'll put that language in there once it's projected to be met. Alternative 3 is the payback alternative that you used in the past for most of your species. Those are your two preferred alternatives for the commercial sector.

Then the recreational sector extends on to PDF Page 53. Alternative 4, again, is to use the running average of three years, so that is the current preferred alternative. Then we basically just restructured the alternatives as we used in the past for the AMs, and so that is what the team did. You do have preferred alternatives for 5, 6 and 6A.

MR. CURRIN: Everyone okay with the suggested restructuring by the IPT? I see no objection to that. Everyone okay with the current preferreds here? No desire to change?

MR. DeVICTOR: That's it for Amendment 24, and I guess the timing is to scope this in January and February, so we'll have to do a Notice of Intent and such if we're going to do an environmental impact statement, and we'll take it out to scoping.

MR. CURRIN: All right, thank you very much. Let's take about a five-minute break.

MR. CURRIN: Let's get everybody back to the table and resume. Okay, our next agenda item is found in Attachment 15, and that's Regulatory Amendment 9 dealing with black sea bass, vermilion, gag and greater amberjack trip limits and sea turtle release gear changes. I'll turn it over to Dr. McGovern.

DR. McGOVERN: The black sea bass actions are on PDF Page 106. While you get there, I'll mention that we went over a lot of these alternatives at the last meeting. In the meantime the team put together a skeleton of this document. It has a lot of the structure in there and some of the biological analysis, but it is still missing the social and economic analysis. Hopefully, we'll identify people to work on that while we develop that after this meeting.

Page PDF 106 has the different alternatives for black sea bass. Alternative 1 is just no trip limit. The quota was met last December for black sea bass, and it looks like this year the quota is going to be met probably in October. Alternative 2 establishes a trip limit for black sea bass with all gear, ranging from 500 pounds in Alternative 2A to a trip limit that keeps the fishery open all year in 2G, and that's about 340 pounds.

Alternative 3 is separate trip limits for the pot and other fisheries, which is mainly hook-and-line gear, ranging from 500 pounds for the pot fishery and 50 for hook and line to a trip limit that will keep the fisheries open all year. Alternative 4 has split seasons for black sea bass. If you remember yesterday, we had this same action in Amendment 18.

Here in 4A we have separate quotas for June through November and December through May in 4A; 4B is June through December and January through May. They're both based on historical proportions of landings. In 18 we had seasons for November through April and May through August; January through June and July through December, so we have quite a range of different seasonal quotas.

Then 4C allows the unused portion to be carried over from the first part of the fishery year to the second part. Alternative 4D allows it to be carried over to the new fishing year. Then Alternative 4C, the wording for this alternative is a little bit incorrect from the motion made the last time. It should read "allow fishing for black sea bass with black sea bass pots until all but 100,000 pounds is harvested".

Then Alternative 5 will close the pot fishery when 90 percent of the commercial quota is met. That's about the proportion that the pot fishery takes, and then it would allow incidental catch with hook-and-line gear after the quota is met. Then Alternative 6 establishes a spawning season

closure for black sea bass, and in Amendment 18 we had a number of subalternatives for the spawning season closure that we could bring forward here if the council wanted.

MR. BURGESS: I know that a trip limit was requested by fishermen that wanted to stretch out the season. I support this range of alternatives and the fishing community to comment on them, but I think this did come about when the term “derby fishery” was introduced as far as the reasoning for closing the fishery early.

One thing I would like to bring to everybody’s attention is 309,000 pounds for the whole South Atlantic is not very much. In the Mid-Atlantic I think Virginia and New Jersey have 350 or 70,000 pounds for each state. It’s hard to stretch it out, if you will, and still continue to be profitable.

One other thing about this is we have fish now. The fishing has progressively been getting better for the past three years, so fishing is really good. When you’ve got a lot of fish throughout the range from North Carolina to Florida, I can see where it would be caught up. Trips are good and there are profits being made. What I was going to try to do before the next meeting was bring some description of fishermen’s behavior as far as trips, the size of the trip, but also the length of the trip.

If you had the 2,000 pound trip limit just say for conversation, it might be over two or three days or four days or something like that. I would like to bring this to the council to let it be used along with public comment to give a description of the fishery and a little more clarification about what is going on. I’m not sure about a separate trip limit for the hook-and-line fishery. It seems like when you catch a few bass, it could really add to a hook-and-line fisherman’s trip, so I have reservations about that as far as discards.

I guess I’ll just go down the alternatives at this time. A split season for black sea bass, I know that there were fishermen that have been not been able to fish in the winter when they traditionally, and that’s how this came about. I understand that; but when the fishing season first came around in Amendment 13C, the June 1<sup>st</sup> start date was – if there was a closure, it would protect the spawning season.

I support protecting the spawning season as many fishermen in my community do. Their comments were that if there is going to be a closure, it should be closed during the spawning season and not at other times of the year. I don’t know; I think the range of alternatives is good, but I do have concerns about a trip limit.

MR. CURRIN: Thank you, Tom. Jack, I think I had to leave before you guys got into this amendment at the last meeting. I believe I did. What is the timing on Regulatory Amendment 9 now; where are we exactly, just for my benefit?

DR. MCGOVERN: Well, we really haven’t set up a timing schedule. I could work with Gregg to set one up. If we could get the economic and social analysis done, we could move fairly quickly on it, but right now we don’t have anybody identified to do that. We need to work on that when we get back to the office.

MR. CURRIN: Okay, so we're still fairly early in the stages and mainly should be concerned about the range of alternatives included here. Charlie.

MR. PHILLIPS: Mr. Chairman, this is a good suite of alternatives. I'm not going to make a motion for a preferred, but I just would like to make the comment that I'd like to try to see the hook-and-line fishery stay open just to keep the discards down. I think that's something that we should keep in mind when we do get around to making a preferred since that's such a small percentage of the fishery, anyway.

MR. CURRIN: Well, if there is general consensus that a trip limit on the hook-and-line fishery is something that we don't see as practical or realistic, I guess we could consider moving some of those alternatives to the considered and rejected file. It certainly may help with the analysis; I don't know. Ben.

MR. HARTIG: Just a question to Tom; if you see something in here that's not representative of the fisheries where you are and you want to see higher trip limit, you might make a motion to that end. Basically, once these go out, we can be less restrictive but we can't be more. If there is something in there that's not high enough for you, you better put one in there.

MR. BURGESS: **I have spoken to some fishermen, and I would like to see a trip limit of 2,500 pounds added.** I think that would be appropriate.

MR. CURRIN: Is that a motion?

MR. BURGESS: Yes.

MR. CURRIN: Motion by Tom Burgess to add a subalternative under Alternative 2, I presume, to reflect a 2,500 pound gross weight trip limit. Second by George. Jack.

DR. MCGOVERN: I just want to point out we already have a trip limit in here of 2,000 pounds, and a 2,000 pound trip limit doesn't have much effect on extending the season because there aren't a lot of trips over that amount.

MR. CURRIN: All right, that's a motion to add that 2,500 pound trip limit as an alternative and it has been seconded by George Geiger. Discussion? Is that 2,500 pound trip limit so close to 2,000 that we would like to consider replacing the 2,000 with a 2,500? We could do that with another motion, if you'd like. I'm just tossing that out. Further discussion on the motion? The motion is to add a trip limit of 2,500 pounds to Alternative 2 under Regulation Amendment 9, Action 1. **Any objection to that motion? I see none and that motion is approved.** Brian.

DR. CHEUVRONT: **I would like to make a motion that we move Alternative 3 to the considered but rejected appendix.** This is the one that would combine commercial pot limits along with hook-and-line limits. It says limits for other fisheries. Our feeling is that we want to get rid of the trip limits for the other fisheries and just for the pot fishery, so that's why I made that motion.

MR. CURRIN: Motion by Brian to move Alternative 3 to the considered but rejected appendix. Second by Charlie. Further discussion? **Is there any objection to that motion? I see none; that motion is approved.** Tom.

MR. BURGESS: Mr. Chairman, on Alternative 4E, the carryover of 100,000 pounds and reopen the pot fishery January 1<sup>st</sup>; could we possibly put a range in there of 50,000 to 100,000? Would that complicate things much?

MR. CURRIN: I think what you probably have to do is specify a separate alternative at that value, would you not, Jack, have one alternative – yes, a couple of subalternatives. If that's the desire, do you want to put 50 and a hundred or do you want something else in between? Motion by Tom Burgess to add an alternative or subalternative under Alternative 4 – 4E is what he is referring to; and because the language is not exactly correct in there, I'm going to have to get some help with the motion, I think. I know the intent.

I think it's until there is 100,000 pounds left in the quota, is that correct, and then he wants to add an alternative to indicate that the pot fishery would end when 50,000 is left. Tom, does that look okay to you; is that your intent? Brian.

DR. CHEUVRONT: I'm just trying to help out the motion here, too; that the pot fishery would close when 50,000 pounds is left and then reopen January 1.

MR. CURRIN: All right, does that capture it, Tom?

MR. BURGESS: One last thing, Mr. Chairman, it says here with the split seasons they speak of a carryover; but if we do not go to a split season and say something like Alternative 4E, I don't think it accommodates for any type of a carryover if the fishery closes with, say, as last year 10,000 pounds left over that was not harvested. Would the committee consider a carryover from one year to the next as far as leftovers; is that possible?

MR. CURRIN: We can talk about that. I don't think that would be appropriate to put it in this particular motion. Let's deal with this motion and then we can talk about carryovers if you'd like. Any further discussion on the motion?

The motion was seconded by George. **Okay, the motion is to add a subalternative under Alternative 4 to analyze the pot fishery would close when 50,000 pounds is left and then reopen January 1. Is there any further discussion of that motion? Any objection to that motion? I see none and that motion is approved.** Now, Tom, you wanted to talk about carryovers?

MR. BURGESS: Yes, Mr. Chairman, last year they shut down the fishery and I think there was approximately 30,000 pounds left, and that could even with good fishing amount to a couple of weeks added on to another season. Seeing as the state of the sea bass, they to be coming back really strong and we're seeing a good sign of them, and that's the reason that the fishery is closing early; if it would be appropriate to carry over the unused harvest from one fish year to the next.

DR. CHEUVRONT: Couldn't there be a way that we can simply all of these alternatives under 4 and combine 4C and 4D and do just what Tom said; that is to carry over any unused portion from one season to the next, and that would handle all the different situations that could occur regardless of which of these may alternatives may be chosen.

MR. CURRIN: I guess if you worded it from one season/sub-season to the next, that would certainly cover it. Roy.

DR. CRABTREE: I don't think there is a problem with carrying unused quota from the first part of the year over to the second part; but when you start talking carrying it over to the next fishing year, then I think it gets complicated. One, if you're even going to have discussion of it, I think you have to include overruns that you're going to deduct them off the next year's quota.

The more complicating thing here is we have an ABC or a fishing level recommendation that corresponds to the yields coming out of the rebuilding plan. Those are annual yields. If you carry an underage over to the next year and add it to your next year's quota, I think that puts you over that yield, which you're not allowed to exceed, so I think you'd have to go back to the SSC and get another fishing level recommendation that was higher in order to be able to do that. It's logistically I think a cumbersome thing to try and do under Magnuson right now. The other part of it is it is kind of a risky thing because sometimes underages occur because the stock is in bad shape.

I have seen this in a number of fisheries where the catch has dropped way down because the stock declined seriously, so you have a big underage. Well, the worse thing you could do in a situation like that would be to increase all the catch levels, but that is what this would lead you to do. There might some way to deal with that, but those would be some of my concerns. I think legally you would have to address the issue of how are you carrying it over and not exceeding the fishing level recommendation that you have.

MR. CURRIN: Yes, and if that would require going back to the SSC and the timing in coming back to the council, the timing is going to be very difficult and not likely to make it worthwhile or feasible, even. Monica.

MS. SMIT-BRUNELLO: I think Roy brings up some good issues. We're going to talk about this in our office, too, because I think it poses some really interesting legal aspects in terms of the Act and the guidelines and all that. If there is any difference, I'll get back with you.

DR. CRABTREE: And I don't think we've ever done it. I can't think of a case. Ben, you've been around this stuff a long time, but I can't think of a case where here or in the Gulf of Mexico that we've ever build that into the regulations, so it is something different than what we've normally done.

MR. CURRIN: Well, it's very complicated and it's confounded by the Act and the way the structure is set up. Biologically, I don't think anybody sees a big problem with it, but it is a regulatory problem at this point, and I would welcome Monica and the general counsel to discuss that.

If some sort of provision could be made, it would expand our tools and approaches to management. I see Roy's point and it's a very good one that you could have an underage because there was a problem with the fishery, but I think that's not likely to be your only indicator that there is a problem with the fishery. That's a concern but maybe not a huge concern. Yes, Ben.

MR. HARTIG: Mr. Chairman, I know you kind of humored me the last time I did this, Roy, and I appreciated that, but we need to find a way to do this. Basically, the reduction with the new Magnuson Act requirements – and a number of our fisheries are starting to respond to a number of management measures that this council has put in, so to we need to find a way to do this.

I don't necessarily agree that the number even if you add some to it is any different than a two-year average of catch. It's going to be the same. I certainly would like hear what Monica has to say about it and what is in the regulations, but we need to find a way to do this, I think. We have responsible fishermen and they're going to tell you at least in a number of cases that, hey, we can't do this, it's not time to carry over such kind of things. I don't see it as that big of a problem.

MR. CURRIN: Yes, the two-year average sort of thing – instead of having annual catch limits, if they could be considered over a couple of years, it would facilitate things for that. Right now I see it as a really sticky legal problem. All right, are we okay, then, with the suite of alternatives we have here? Charlie.

MR. PHILLIPS: Mr. Chairman, would it be possible to just have the SSC look at possibly rewording their OFL or ABC to the ABC equals this plus any possible underages, and then they could just reword it and that might take care of a lot of it.

MR. CURRIN: It's possible but I think we're constrained by the Act and that they're annual catch limits. I really think that's the problem and they cannot be exceeded by the Act. Monica is going to look into it, and I think she understands the concerns and problem.

MS. SMIT-BRUNELLO: Yes, and I'll bring something back to you at the next meeting.

MR. CURRIN: All right, thank you very much. I think we took care of the note at the bottom, Jack, and took that split season thing out of 18, right, so we're cool there.

DR. McGOVERN: Okay, I'll move on to vermilion snapper. This is on PDF 115. We have four alternatives. No action is the current split season quota. Last year the fall quota was met on September 18<sup>th</sup>. We got a report from the science center two days ago projecting that it will likely be met in October of this year.

Alternative 2 is a 1,000 pound trip limit with an option to reduce it to 500 pounds when 75 percent of the quota is met. Alternative 3 is the 750-pound trip limit with an option to reduce it to 400 pounds when 75 percent of the quota is met. Alternative 4 is a 500-pound trip limit; and it looks like to keep it open for both sub-seasons, you'll need between like a 400 and 500-trip limit.

MR. PHILLIPS: **Mr. Chairman, I'd like to make a motion that Alternative 1 be our preferred.**

MR. CURRIN: Motion by Charlie to select Alternative 1, which is the no action alternative, as a preferred. Is there a second?

MR. HARRIS: I'll second.

MR. CURRIN: Motion by Charlie; second by Duane. Discussion on the motion? Tom.

MR. BURGESS: I have had some comments from the fishermen from North Carolina. They would like to look at a trip limit and make comments on that. I think George said yesterday or the day before that even though we do pick a preferred that we don't necessarily have to go with it or what type of weight it carries; is that correct?

MR. CURRIN: That is correct. We always have the opportunity to change it until we finally approve the document. Ben.

MR. HARTIG: Yes, I'd like to hear what all the fishermen have to say before we pick a preferred on this one, for sure.

DR. CHEUVRONT: I definitely would, too. This is a regional issue. I understand where Charlie is coming from because this is going to benefit the fishermen in his area, but it definitely disadvantages a great number of fishermen in North Carolina. I'd just as soon we get the comment from the fishermen before we even come up with a preferred. I'm going to vote against this motion.

MR. CURRIN: Further discussion on the motion? **All in favor of the motion raise your hand, please. I see three in favor. All opposed, 8 opposed. That motion fails.** We've got a range of alternatives up to 1,000 pounds on the high end and 400 on the low end. I know that the upper limit on that of 1,000 is not going to be satisfactory to a number of people, a number of boats, the larger boats that make multi-day trips. This is an issue that was brought forward by a number of fishermen, and I look forward to hearing what everyone has to say as well. Is everybody okay with that range of alternatives? Okay, Jack.

DR. McGOVERN: Okay, next is gag on PDF 123. I'll note that the gag quota was not met in 2009, and that was before the four-month closure was implemented and 15B was put into place with the prohibition on bag limit sales. Crossed out is Alternatives 4 through 7. The council asked that these alternatives be considered but rejected at the last council meeting, so that just reflects what the council did the last time. Alternative 2 is a 1,000-pound trip limit with an option to reduce it to 100 pounds when 75 percent of the quota is met; and a 750-pound trip limit that has an option to reduce it to 100 pounds when 75 percent of the quota is met.

MR. CURRIN: Everyone okay with this range of alternatives at this point? Ben.

MR. HARTIG: I'd kind of like to see a multi-day trip analyzed for the area of the fishery from the Cape north, and I'll make that as a motion. **I'd move to consider a 2,000-pound trip limit for vessels making multi-day trips north of Cape Canaveral.**

MR. CURRIN: Okay, motion by Ben to add an alternative to analyze a 2,000-pound trip limit on gag for vessels making multi-day trips north of Cape Canaveral; is there a second? Second by Mark. Discussion?

MR. PHILLIPS: Well, maybe I missed it, but what is the trip limit for south of Cape Canaveral?

MR. CURRIN: Well, there is none now, so you would have to select two alternatives under this action and to clarify that – this one does clarify it north of Cape Canaveral and the other would be clarified to be south.

MR. HARTIG: Mr. Chairman, I'm going to withdraw this motion because it is not pertinent to gag grouper; it is pertinent to greater amberjack and I was on the wrong page.

MR. CURRIN: **Is it okay with the seconder, Mark, to withdraw this?** Keep that verbiage, Myra, you may be needing it again at some point. Any further alternatives to consider under gag trip limits? Everybody is okay? All right, Jack.

DR. McGOVERN: Okay, next is greater amberjack, PDF 129. Currently there is a 1,000-pound trip limit and the quota is 1,169,931 pounds. Alternative 2A would increase the trip limit to 2,000 pounds and 2B would increase it to 1,500 pounds. When I did the analysis for this, I assumed that anybody who met the 1,000 pound trip limit would now meet the 2,000 pound trip limit and the same for 1,500 pounds; and anybody who did not meet the 1,000 pound trip limit would not in the future. On the next page, PDF 130, you can see the effect of that. With an increase in the trip limit to 2,000 pounds, with those assumptions the quota still would not be met. It seems like 2,000 pounds would be okay.

MR. HARTIG: Before I make that motion, the problem with amberjacks – and I've been involved in this fishery since it started – is there is a problem with the science in amberjacks, and it is not, in my opinion, as accurate as it could be. It's not wrong; it's just not as accurate as it could be.

Although we see great strides in the rebuilding of the stock over time, I would have some caution on extending that trip limit throughout the range, and that's why I was going to make that motion. In Florida they're all one-day trips. We're back at the dock every night on an amberjack trip. In Northern Florida where we have had some interest in a higher trip limit – and I've always been sympathetic to those guys since we put the thousand pound trip limit in.

It disadvantages those guys on making multi-day trips. Having said that, I would introduce the motion that made before and insert "amberjack" instead of "gag". **The motion is to add an alternative to analyze a 2,000 pound trip limit for greater amberjack for vessels making multi-day trips north of Cape Canaveral.**

MS. SMIT-BRUNELLO: Just a question for clarification; is that they would be allowed to catch 2,000 pounds for each day they're out?

MR. HARTIG: No, it would be 2,000 pounds for the multi-day trip.

MS. SMIT-BRUNELLO: Regardless of how long the trip was?

MR. HARTIG: Regardless of how long the trip is.

MR. CURRIN: Okay, let's get the motion and ask for a second and then we can discuss it. The motion is to add an alternative to analyze a 2,000 pound trip limit for greater amberjack for vessels making multi-day trips north of Cape Canaveral. Second by Charlie. Discussion?

MR. PHILLIPS: I think it's a good alternative to look at and we may actually want to look at a range. If we're not going to get there a 2,000 for a trip limit for the whole range, you may want to even look at 2,000 and 2,500 pound trip limits above the Cape, and I would offer that as a friendly amendment.

MR. HARTIG: Yes, that's fine.

MR. CURRIN: So the new motion, then, is to add an alternative to analyze a 2,000 and 2,500 pound trip limit for greater amberjack for vessels making multi-trips north of Cape Canaveral. Further discussion? Actually, that would be two alternatives, I believe. Further discussion on the motion? **Any objection to the motion? I see none; the motion is approved.**

I would just note that having multi-day trip limits; I don't know whether that causes any problems or not, but at times it does necessitate identifying when a boat leaves and they come back and all of that, so it can cause some problems or require some additional regulatory actions for call-in and call-out and verification and all that. Ben.

MR. HARTIG: Yes, we have hailing requirements for ITQ fisheries now.

MR. CURRIN: All right, suggestions on alternatives under this action? Everybody is satisfied with where we are and with the range? All right, Jack.

DR. McGOVERN: Okay, the next action is the modification to the sea turtle release gear. This is on PDF 131. There is a concern that this action might not fall under items that can be adjusted by framework, so this action might not fit into a regulatory amendment. It might have to be moved to a plan amendment. I'll go through the actions quickly.

Alternative 1 is the status quo that's in place now that requires all the different gear; the concerns with the dehookers, the line cutters, bolt cutters that were designed for pelagic longline gear. Alternative 2 modifies the specifications for line cutters, bolt cutters and dehookers. It is very general. It does not indicate how the gear would be modified. It would kind of leave it up to the fishermen.

Alternative 3 is similar to Alternative 2, but it would apply to all the gear that is currently required. Alternative 4 would require only tools for vessels carrying hook-and-line gear to be required for removing a hook from the sea turtle and a tool capable of cutting fishing line. Then Alternative 5 would require sea turtle gear listed under Alternative 1 using longline gear to require some sort of specific turtle release gear for those individuals fishing with hook-and-line gear. Then Alternative 6 would have the same regulations as currently required in the Gulf of Mexico that's dependent on freeboard height.

MR. DeVICTOR: I'm looking at the framework now and it appears that we can make gear changes through the framework.

MS. SMIT-BRUNELLO: Well, that was my first thought, too, but when I looked at the framework that was set up, those gear modifications really dealt to types of fishing gear used for fishing, and this kind of thing isn't in the spirit of what you all intended when you adopted those framework measures to be adjusted via framework.

I think the more advisable thing, since we have so many amendments going through the system, is to put this into a plan amendment because that's really where it's more appropriate. If we want to change the framework at some point to address protected resource kinds of gear changes that would be needed, then I think that would be a good idea.

MR. CURRIN: Yes, and I would agree that it would be a good idea to allow us that latitude to adjust it through framework. This is an important issue to the charterboat fishermen off of North Carolina and I suspect everywhere. Every time I get aboard one, the guys are shaking their heads and are going this is just crazy; it doesn't make sense for the type of fishing we do and the boats that we use; and the species we encounter; and all of that. It needs to be fixed and it needs to be fixed as quickly as we possibly can. I'm disappointed that we can't do it under this amendment.

MS. SMIT-BRUNELLO: Well, I would think you'd still want to discuss the alternatives and make sure that you have a sufficient range, but then I think you should discuss which amendment you would like to place this in.

MR. CURRIN: I'm comfortable with the range. I think they provide the flexibility. The one in particular which kind of allows the fishermen to decide what they need for their particular situation is appealing to me and yet meet all the requirements and have the necessary gear to deal with the protected species when they encounter one and if they encounter one. Brian.

DR. CHEUVRONT: If this is the inappropriate place to put this, is it possible that we can slip it into whatever the next snapper grouper amendment is that is going to be approved, like maybe 18 or something like that; 18A.

MR. DeVICTOR: It's hard to tell which is going to go fastest now, but it also could go in the Comprehensive ACL Amendment.

DR. CHEUVRONT: CE-BA 2 would be good, but is that going to be as fast as the snapper grouper? I'm not sure.

MR. CURRIN: Maybe this one would be faster. The first one took a lot longer than anybody ever expected, I think. To me, off the top of my head, 18 or the Comprehensive ACL would be a better way to do it. 18 is appealing because we just took out a fairly large junk of that to look at in 18B, so I don't know. Gregg.

MR. WAUGH: Just one point of clarification; 18A has no statutory-required provisions in it any longer, so that would fall out of your tier in terms of your priorities that you have given us to work on the amendments that carry that 2011 statutory deadline. 18B, it seems like that may disappear, so you wouldn't want to put it in there.

The statutory deadline for 2011 would be CE-BA 2 or the Comprehensive ACL Amendment. The regulatory amendment we're talking about isn't under a statutory deadline; and on the priorities you have given us before, we would work on that currently, but that would fall on a priority after we get our 2011 deadlines done.

MR. CURRIN: Thank you very much for that clarification. Robert.

MR. BOYLES: **Mr. Chairman, I'm prepared to make a motion that we move the modifications of the sea turtle release gear requirements to CE-BA 2.** I guess I would make that in the form of a motion along with a question. Do we need to include an action to allow us to make framework adjustments to protected resources requirements as well or could we?

MR. CURRIN: I don't remember exactly where, but there were some suggestions yesterday that there was a need to modify some framework for a couple of plans. I can't recall whether one of those was in CE-BA 2 or not. Monica.

MS. SMIT-BRUNELLO: Well, I was just going to ask if there was a framework modification specific to snapper grouper in any of these FMPs, and I think we did some framework – I know we did in 17B, and that's in the system. But, if you remember back to the first day of this council meeting which we looked at mackerel, I think, and spiny lobster, and they contained these model framework kinds of things that had three different options, if you remember. There was Option A, B and C and they all had various kinds of framework measures in them.

This may be too much to add to everybody's plate, but you could consider looking at something like that and putting it in an amendment so that all the frameworks kind of become a little more standardized that you deal with as opposed to hunting and pecking and figuring out which measures can be modified where.

Getting back to your first question, yes, this could be added as a modification specifically to the framework you have now to include – the gear requirements would also include changes to gear based on protected resources kinds of requirements. That's the shorter thing to do is to put it in one like that. A little bit longer thing to do – I think at some point you'll want to, anyway – look

at the various framework outlines that are proposed in the spiny lobster and also in the mackerel amendment to just maybe try to standardize your frameworks in all your FMPs.

MR. CURRIN: Yes, a generic framework amendment at some point; that's good advice, I think. Well, where do we want to handle this particular issue rather than wait for that or is it necessary to handle the framework now if we're going to take care of this action here? All right, the motion by Robert is to move the action to modify sea release gear requirements to the Comprehensive Ecosystem-Based Amendment 2. Is there a second to that motion? Second by Brian. Further discussion on that motion? **Any objection to that motion? I see none and that motion is approved.** All right, Jack, is that all of it.

DR. McGOVERN: Yes, Mr. Chairman.

MR. CURRIN: Thank you very much. That's all of our scheduled agenda items. Is there other business to come before the Snapper Grouper Committee? Monica.

MS. SMIT-BRUNELLO: I was thinking this morning for some odd reason about wreckfish and the Comprehensive ACL Amendment. It occurred to me and maybe it occurred to all of you yesterday that when you changed the bag limit for wreckfish – and I've advised you it falls within the 20 aggregate fish limit, but you can't possess it unless you have a wreckfish permit and you're an IFQ holder.

I wonder if in the bag limit section you want to add in some sort of measure – another action that would also exempt a recreational fisher who possessed the bag limit of wreckfish – we'll wordsmith it, but it would exempt them from having to have both a commercial wreckfish permit and be in IFQ holder. Otherwise, you're going to change the bag limit, but it really will have no effect too much on people who aren't IFQ holders and who don't hold the commercial wreckfish permit. I throw that out there for discussion, but maybe you've all thought about this before.

MR. CURRIN: I hadn't thought about it before until you mentioned it to me yesterday, I think. Certainly, if it's a problem, we need to take care of it. We don't want to end up thinking we're doing something and then finding out that we're not doing it because we forgot to exempt everyone that doesn't have a wreckfish permit.

MS. SMIT-BRUNELLO: Maybe you allow staff some latitude to bring something back, because we'd also have to make sure that it would somehow be tracked in some way, whether through the MRFSS System or the MRIP Program or whatever. I think you're going to see at some point what the recreational harvest would be, so we should think about it a little further.

MR. CURRIN: Well, we definitely do, and currently the only mechanism we have would be through the MRIP unless we establish some other way to go about that. It would be great if we could establish a better way to go about it for everything, but I don't know that we can at this point. Is everybody okay with direction to staff to consider necessary actions to ensure that recreational or non-wreckfish permit holder allowable catches are in fact allowable? That makes sense to me. I see no objection. Charlie.

MR. PHILLIPS: I'm not objecting. That's going on the assumption that they're going to get a share of the – okay.

MR. CURRIN: Yes, we'd have to provide some allocation in some way, and there are plenty of options in the amendment to do that. All right, everybody I think is in agreement. Any other business to come before the committee. Ben.

MR. HARTIG: Just a question, Mr. Chairman. One thing I forgot in golden tilefish; would you rather do that when we go through it in the Full Council and I can add it there?

MR. CURRIN: I think that probably would be best place to do it, Ben, although we can do it now, but I think in the interest of time let's do it when we consider the motions in Full Council. Bonnie.

DR. PONWITH: Mr. Chairman, we spent some time in the ACL Amendment discussing the potential removal of species from the plan because the lion's share of the catch was caught in state waters. In looking at some additional species, I'm seeing some fairly consistent landings in both the headboat fishery as well as the commercial fishery; specifically looking at spottail pinfish.

I see harvest in headboat and the commercial fishery, the lion's share of which appears to be happening in federal waters. For the private vessels it is spotty where in some years the majority is harvested in federal waters and then some are in state waters. I wondered if it might be advisable to ask the IPT to at least look at that species as a potential candidate.

MR. CURRIN: Yes, that's good advice, Bonnie, and I would agree. It's a species that is fairly common off of our coast, I know. I don't know how far down it goes. It's one of those things that many people years ago threw back because they were pinfish, but I'm seeing more of them retained and eaten, and apparently they're very good.

Although I hate to think about adding species to the unit, if there is exploitation and it's significant, then as we discussed the other day with these ones we're talking about dropping out, if they start showing up in the landings in significant numbers, there is concern that we want to bring them back in to make sure there are no problems, so it's good advice. Roy.

DR. CRABTREE: Well, one thing I would urge we do – I guess we need to pull together the landings and the information, but then let's go through the national standard guidance on including things. Let's make sure there is a need for federal management of this and that this isn't something that the states could deal with before we do.

MR. CURRIN: Yes, for sure. Is that sufficient, Rick, for guidance to the staff on spottails. Is that the only one that caused you any concern, Bonnie?

DR. PONWITH: For now, yes, thank you, Mr. Chairman.

MR. CURRIN: Okay, thank you. Any other business to come before the committee? If not, just for your information, I've talked to Bob and we've got between 80 and a hundred motions from this committee. In discussions with Bob, he thought it would be appropriate, if there is no objection from the committee, that when we go through these I'm going to offer all the motions from a particular amendment to the committee, give you some time to consider those. If there are no changes or suggested additions, then we will approve all of those motions in one motion for each amendment, if that's okay with the committee. Any objection? Monica.

MS. SMIT-BRUNELLO: Just a quick question on that; there will still be a committee report?

MR. CURRIN: There will be a committee report.

MS. SMIT-BRUNELLO: That's fine; those have been very valuable to have, actually, when we go back and look at certain things and when they came into being and what was the vote.

MR. CURRIN: There will be a committee report to the council. There will be a committee report document and it will include all of the motions. What I'm trying to avoid is just having to repeat the motions 100 times as we go through it during the committee report. That's the intent.

MS. SMIT-BRUNELLO: And I won't make you go through that.

MR. CURRIN: Thank you. All right, then the Snapper Grouper Committee will stand adjourned.

(Whereupon, the meeting was adjourned at 10:20 o'clock a.m., September 16, 2010.)

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**SNAPPER GROUPE COMMITTEE**

**Charleston Marriott Hotel  
Charleston, SC**

**September 14-16, 2010**

**INDEX OF MOTIONS**

PAGE 9: Motion to establish an AP of constituent groups to develop management schemes for the red snapper when the stock is deemed recovered to the point a fishery can be reinstated.

PAGE 10: Motion to table until the discussion of Amendment 22. Motion carried on Page 10.

PAGE 17: Motion to utilize the regulatory amendment process to implement changes in Amendment 17A based on the results of the stock assessment. Motion carried on Page 19.

**AMENDMENT 18 MOTIONS**

PAGE 22: Motion to extend an invitation to the New England Fishery Management Council and the Mid-Atlantic to participate in future South Atlantic meetings as a member of the Snapper Grouper Committee. Motion carried on Page 22.

PAGE 26: Motion that Alternative 2 under Action 2 be the preferred alternative. Motion withdrawn on Page 31.

PAGE 34: Motion to request staff to work up alternatives to address northern expansion with the intent to; one, exempt commercial fishermen in the northern zone from sales prohibition; and, 2, do not require a commercial permit in northern areas. Motion carried on Page 35.

PAGE 38: Motion to direct staff to devise more specific alternatives for management measures protocol actions and to update the northern data in the document. Motion carried on Page 38.

PAGE 40: Motion to include the new alternatives and only new eligibility requirements based on finalized data will be considered. Motion carried on Page 40.

PAGE 41: Motion to direct staff to devise alternatives to determine hook-and-line bycatch outside the endorsement requirement for golden tilefish. Motion carried on Page 42.

PAGE 42: Motion that individuals meeting the qualifying criteria for both endorsements will be issued the endorsements of their choice and an individual cannot hold both endorsements. Motion carried on Page 43.

PAGE 44: Motion to move Alternative 7 to the considered but rejected alternatives. Motion carried on Page 44.

PAGE 46: Motion to add an alternative under Action 6 that prohibits longline fishing after 75 percent of the quota is taken. Motion carried on Page 48.

PAGE 48: Motion to add an action that allocates commercial golden tilefish between longline and hook-and-gear groups as 75 percent longline and 25 percent hook and line; 85 percent longline and 15 percent hook and line; 90 percent longline and 10 percent hook and line. Motion carried on Page 49.

PAGE 50: Motion to add alternatives under Action 7 to Alternatives 2 through 4, to add minimum poundage based on average and aggregate catch in one year to include values of 500, 1,000, 2,000, 5,000 and 10,000 pounds. Motion carried on Page 51.

PAGE 52: Motion that under Action 8, Alternatives 2 and 3, that in addition to the first sentence of each alternative add language “and the appropriate colored trap line identification marker as approved by the Large Whale Reduction Take Team”. Motion withdrawn on Page 53.

PAGE 54: Motion that under Action 10, Alternative 6, change the wording to be “require that commercial landings and catch/effort data be submitted in accordance with ACCSP Standards, using the SAFIS System”. Motion carried on Page 54.

PAGE 54: Motion to move Alternative 3 to the considered but rejected appendix. Motion carried on Page 54.

PAGE 55: Motion under Action 11, Alternative 5, change the wording to require that for-hire landings and catch/effort data be submitted in accordance with ACCSP Standards, using the SAFIS System; and move Alternative 2 to the considered but rejected. Motion carried on Page 55.

PAGE 56: Motion to remove Action 12 from Amendment 18. Motion carried on Page 56.

PAGE 56: Motion to remove Action 13 from Amendment 18. Motion carried on Page 57.

PAGE 58: Motion to include a series of alternatives under the golden tilefish actions to establish trip limits for the hook-and-line fishery of 300, 400 and 500 pounds. Motion carried on Page 58.

PAGE 62: Motion to remove Actions 1 through 2 regarding the northern expansion and EFH actions from Amendment 18 and put them into new Amendment 18B. Motion carried on Page 64.

PAGE 64: Motion to approve Amendment 18A to go forward to public hearing with the staff to add the new alternatives. Motion carried on Page 65.

## AMENDMENT 20 MOTIONS

PAGE 68: Motion to create a new action and alternatives to auction off shares belonging to deceased or uncontactable shareholders and/or allocate shares to a new entrant program. Motion carried on Page 69.

## COMPREHENSIVE ACL AMENDMENT MOTIONS

PAGE 71: Motion that the committee recommend to council the development or establishment of a policy whereby if there is a species that is outside the FMU, landings of which 70 or percent greater are derived from federal waters in the EEZ, to consider adding them to the fishery management unit.

PAGE 72: Substitute motion that the committee recommends development or establishment of a policy whereby a species outside the FMU is considered for inclusion. The motion carried as the main motion on Page 72.

PAGE 74: Motion to remove species from the fisheries management unit that fall under both designations, including the ecosystem species or qualifications to remove it. Motion carried on Page 74.

PAGE 75: Motion to not remove mutton snapper from the FMU. Motion carried on Page 75.

PAGE 76: Motion for staff to develop new alternatives based on the table in the Comprehensive ACL Amendment beginning on Page 178. Motion carried on Page 76.

PAGE 77: Motion to remove Alternatives 2, 3 and 4 to the considered but rejected alternatives. Motion carried on Page 77.

PAGE 87: Motion to put hogfish back in the FMU. Motion carried on Page 88.

PAGE 89: Motion to select Alternative 5 as the preferred alternative under Action 3. Motion carried on Page 89.

PAGE 89: Motion to move Alternative 5 to the considered but rejected portion of the document. Motion carried on Page 89.

PAGE 95: Motion to make Alternative 5 under Action 5 the council's preferred for species that are not overfished and for which there is a P-star analysis. Motion carried on Page 95.

PAGE 98: Motion to remove the language referring to "three-year rolling forward for future amendments" from all of the allocation alternatives where it appears. Motion carried on Page 99.

PAGE 99: Motion to add Alternatives 4, 5, 6 and 7 to Action 6 for analysis in this amendment. Motion carried on Page 99.

PAGE 99: Motion to incorporate Dr. Farmer's recommendations under Action 7, establishing annual catch limits for the snapper grouper fishery, Alternatives 1, 2, 3 and 4. Motion carried on Page 100.

PAGE 100: Motion that Action 8 regarding annual catch targets be moved into Action 9 for accountability measures. Motion carried on Page 100.

PAGE 101: Motion to make Alternative 3B under Action 8 the preferred. alternative. Motion carried on Page 101.

PAGE 103: Motion to remove Actions 10, 11, 12 and 13 from the Comprehensive ACL Amendment. Motion carried on Page 103.

PAGE 104: Motion to replace Action 14 with the discussion of the ABC provided by the SSC and the rationale for it. Motion carried on Page 105.

PAGE 106: Motion to accept the IPT recommendations to replace the current wording in Alternative 2, 3 and 4 under Action 14 with the new wording; and that Alternative 2 be the preferred alternative. Motion carried on Page 106.

PAGE 107: Motion that the words "equals OY" be inserted to Alternatives 2, 3 and 4 between the words 'ACL" and "equals'. Motion carried on Page 107.

PAGE 107: Motion to apply the OY language in the motion above throughout the document. Motion carried on Page 107.

PAGE 108: Motion to move Action 17 into the considered but rejected alternatives. Motion carried on Page 108.

PAGE 108: Motion that the commercial AM measures be removed to considered but rejected and that the document reflect that the commercial IFQ Program is the accountability mechanism. Motion carried on Page 108.

PAGE 109: Motion to move Alternative 5 under the wreckfish recreational accountability measures action to the considered but rejected. Motion carried on Page 109.

PAGE 111: Motion to remove Alternatives 2, 3 and 7 from Action 20 for dolphin and wahoo in the Comprehensive ACL. Motion carried on Page 111.

PAGE 111: Motion to eliminate Action 21 from the document and incorporate the specification of OY into Action 22. Motion carried on Page 111.

PAGE 111: Motion that Alternative 3 under Action 23 be moved to the considered but rejected appendix. Motion carried on Page 111.

PAGE 111: Motion to accept the IPT's recommendations for Action 22. Motion carried on Page 111.

PAGE 112: Motion to set Alternative 2, ACL equals ABC as the preferred alternative for Action 22. Motion carried on Page 112.

PAGE 112: Motion to accept the IPT's recommendations to restructure alternatives under Action 25 and add Option C to reduce the bag limit under Alternative 6. Motion carried on Page 113.

PAGE 113: Motion to select Alternative 6, Option C, as the preferred alternative under the recreational AM. Motion carried on Page 113.

PAGE 113: Motion to accept Alternative 2 under Action 25 as the preferred alternative. Motion carried on Page 113.

PAGE 116: Motion to structure Alternative 6, Action 26, on commercial trip limits to reflect numbers of fish rather than poundage. Motion failed on Page 117.

PAGE 118: Under Action 27, motion to accept the IPT's recommendations and remove Alternatives 2 and 3 from the document and move Alternative 7 to the considered but rejected appendix. Motion carried on Page 118.

PAGE 118: Motion to remove Action 28 and fold in the discussion of OY into the ACL action. Motion carried on Page 118.

PAGE 118: Motion to move Alternative 2 under Action 30 to the considered but rejected appendix. Motion carried on Page 118.

PAGE 119: Motion to replace Alternatives 2 and 3 in the old document with those suggested by the IPT in Action 29. Motion carried on Page 119.

PAGE 119: Motion to replace Alternatives 2 and 3 in Action 32 with the alternatives suggested by the IPT. Motion carried on Page 119.

PAGE 119: Motion to add Option C under Alternative 6, Action 32, as was done previously for dolphin under the wahoo plan. Motion carried on Page 119.

PAGE 120: Motion that Alternative 2 under Action 32 be the preferred alternative. Motion carried on Page 120.

PAGE 120: Motion to select the new Alternative 6C under Action 32 as the preferred alternative for the recreational sector. Motion carried on Page 120.

PAGE 120: Motion to select the new Alternative 4 of Action 32 as a preferred alternative for the recreational sector. Motion carried on Page 120.

PAGE 123: Motion to create an action in the Comprehensive ACL Amendment to designate sargassum as an ecosystem component species and to withdraw the Sargassum FMP and provide staff the latitude to figure out alternatives to prohibit the harvest of sargassum. Motion carried on Page 123.

PAGE 124: Motion to remove Action 41 and Action 42 from the Comprehensive ACL Amendment. Motion carried on Page 124.

PAGE 125: Motion that Alternative 2, ABC of 2 million pounds, be the preferred alternative. Motion carried on Page 125.

PAGE 126: Motion to remove Alternative 8 from Action 43. Motion carried on Page 126.

Page 126: Motion that Alternative 2 under Action 44 where the ACL equals the ABC be the preferred alternative. Motion carried on Page 126.

PAGE 126: Motion that we remove Action 45 from the Comprehensive ACL Amendment. Motion carried on Page 126.

PAGE 127: Motion that Alternatives 2 and 3 under Action 46 be the preferred alternatives. Motion carried on Page 127.

PAGE 127: Motion to remove Action 34. Motion carried on Page 127.

PAGE 128: Motion to remove Alternatives 2, 3, 4 and 6 under Action 35. Motion carried on Page 128.

PAGE 128: Motion to replace Alternative 5 to the SSC's recommendation of ABC equals 12,800 pounds. Motion carried on Page 128.

PAGE 128: Motion to remove Action 36 from the amendment. Motion carried on Page 128.

PAGE 129: Motion to remove Alternatives 4 through 6 under Action 37 and then set Alternative 3, ACL equals 5,000 pounds. Motion carried on Page 129.

PAGE 129: Motion that Action 38 be removed from the plan. Motion carried on Page 129.

#### AMENDMENT 21 MOTIONS

PAGE 135: Motion to include in Amendment 21 a discussion of regional quotas as a catch share program. Motion carried on Page 136.

#### AMENDMENT 22 MOTIONS

PAGE 139: Motion to add an alternative for endorsements to the options paper in Amendment 22. Motion carried on Page 139.

PAGE 139: Motion to add alternatives for bag limits, size limits, gear and seasonal closures to the options paper. Motion carried on Page 139.

PAGE 139: Motion to remove recreational catch shares from the suite of alternatives to be considered in Amendment 22. Motion defeated on Page 1140.

PAGE 141: Motion to remove from the table motion to establish an AP of constituent groups to develop management schemes for the red snapper when the stock is deemed recovered to the point a fishery can be reinstated. Motion to remove from the table carried on Page 132. Motion withdrawn on Page 141.

#### AMENDMENT 24 MOTIONS

PAGE 142: Motion to remove black grouper from Amendment 24. Motion carried on Page 143.

PAGE 144: Motion to select Alternative 4B, jurisdictional allocations, as the preferred alternative. Motion carried on Page 144.

PAGE 144: Motion to move Alternatives 2 and 3, jurisdictional allocations, to the considered but rejected appendix. Motion carried on Page 144.

PAGE 145: Motion to remove language specifying three-year rolling average from Alternatives 2E and 3E under sector allocations. Motion carried on Page 145.

PAGE 148: Motion to select Alternative 4 as the council's preferred alternative under the red grouper rebuilding schedule action. Motion carried on Page 148.

PAGE 149: Remove language specifying "3-year rolling average" from the entire Amendment 24 document. Motion carried on Page 149.

#### REGULATORY AMENDMENT 9 MOTIONS

PAGE 152: Motion to add a trip limit of 2,500 pounds to Alternative 2 under Regulatory Amendment 9, Action 1. Motion carried on Page 152.

PAGE 152: Motion to move Alternative 3 (Action 1) to the considered but rejected appendix. Motion carried on Page 153.

PAGE 153: Motion to add a subalternative under Alternative 4 to analyze the pot fishery would close when 50,000 pounds is left and then reopen on January 1. Motion carried on Page 153.

PAGE 156: Motion to select Alternative 1 under vermilion snapper, which is the no action alternative, as a preferred alternative. Motion failed on Page 156.

PAGE 157: Motion to add an alternative to analyze a 2,000-pound trip limit on gag for vessels making multi-day trips north of Cape Canaveral. Motion withdraw on Page 157.

PAGE 157: Motion to add alternatives to analyze 2,000 and 2,500 pound per trip limits for greater amberjack for vessels making multi-day trips north of Cape Canaveral. Motion carried on Page 158.

PAGE 160: Motion to move action to modify sea turtle release gear requirements to the Comprehensive Ecosystem-Based Amendment. Motion carried on Page 161.

# South Atlantic Fishery Management Council 2009 - 2010 Council Membership

## COUNCIL CHAIRMAN:

**Charles Duane Harris**  
105 Demere Retreat Lane  
St. Simons Island, GA 31522  
912/638-9430 (ph)  
seageorg@bellsouth.net

## COUNCIL VICE-CHAIRMAN

**David M. Cupka**  
P.O. Box 12753  
Charleston, SC 29422  
843/795-8591 (hm)  
843/870-5495 (cell)  
palmettobooks@bellsouth.net

---

**Robert H. Boyles, Jr.**  
S.C. Dept. of Natural Resources  
Marine Resources Division  
P.O. Box 12559  
(217 Ft. Johnson Road)  
Charleston, SC 29422-2559  
843/953-9304 (ph)  
843/953-9159 (fax)  
boylesr@dnr.sc.gov

**Tom Burgess**  
P.O. Box 33  
Sneads Ferry, NC 28460  
910/327-3528  
ttburgess@embarqmail.com

**Dr. Brian Chevront**  
N.C. Division of Marine Fisheries  
P.O. Box 769 (3441 Arendell St.)  
Morehead City, NC 28557  
252/726-7021 Ext. 8015 (ph)  
252/726-6187  
brian.chevront@ncdenr.gov

**Dr. Roy Crabtree**  
Regional Administrator  
NOAA Fisheries, Southeast Region  
263 13<sup>th</sup> Avenue South  
St. Petersburg, FL 33701  
727/824-5301 (ph); 727/824-5320 (f)  
roy.crabtree@noaa.gov

**Benjamin M. "Mac" Currin**  
801 Westwood Drive  
Raleigh, NC 27607  
919/881-0049 (ph)  
mcurrin1@bellsouth.net

**George J. Geiger**  
566 Ponoka Street  
Sebastian, FL 32958  
772/388-3183 (ph)  
georgegeiger@bellsouth.net

**Ben Hartig**  
9277 Sharon Street  
Hobe Sound, FL 33455  
772/546-1541 (ph)  
bhartig@bellsouth.net

**Doug Haymans**  
Coastal Resources Division  
GA Dept. of Natural Resources  
One Conservation Way, Suite 300  
Brunswick, GA 31520-8687  
912/264-7218 (ph); 912/262-2318 (f)  
Doug.Haymans@dnr.state.ga.us

**Deirdre Warner-Kramer**  
Office of Marine Conservation  
OES/OMC  
2201 C Street, N.W.  
Department of State, Room 5806  
Washington, DC 20520  
202/647-3228 (ph); 202/736-7350 (f)  
Warner-KramerDM@state.gov

**Dr. Wilson Laney**  
U.S. Fish and Wildlife Service  
South Atlantic Fisheries Coordinator  
P.O. Box 33683  
Raleigh, NC 27695-7617  
(110 Brooks Ave)  
237 David Clark Laboratories,  
NCSU Campus  
Raleigh, NC 27695-7617  
919/515-5019 (ph)  
919/515-4415 (f)  
Wilson\_Laney@fws.gov

~~Lt. Richard Mach~~  
U.S. Coast Guard  
Brickell Plaza Federal Building  
909 S.E. First Avenue  
Room 876/ DRE  
Miami, FL 33131-3050  
305/415-6781 (ph)  
305/415-6791 (f)  
Richard.A.Mach@uscg.mil

**John V. O'Shea**  
Executive Director  
Atlantic States Marine Fisheries  
Commission  
1444 Eye Street, N.W., 6th Floor  
Washington, D.C. 20005  
202/289-6400 (ph); 202/289-6051 (f)  
voshea@asmfc.org

**Charles Phillips**  
Phillips Seafood / Sapelo Sea Farms  
1418 Sapelo Avenue, N.E.  
Townsend, GA 31331  
912/832-3149 (ph); 912/832-6228 (f)  
Ga\_capt@yahoo.com

**Mark Robson**  
Director, Division of Marine Fisheries  
Florida Fish and Wildlife  
Conservation Commission  
620 S. Meridian Street  
Tallahassee, FL 32399  
850/487-0554 (ph); 850/487-4847(f)  
mark.robson@myfwc.com

**Tom Swatzel**  
P.O. Box 1311  
Murrells Inlet, SC 29576  
843/222-7456 (ph)  
tom@swatzel.com

JACK MCGOVERN  
BONNIE PONWITH  
MONICA SMIT BRUNELL  
BOB SHIPP  
NICK FARMER  
NIK MEHTA  
CAROLYN BELCHEI  
MARCEL RESCHART  
TOM JAMIR  
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Charlie Phillips  
Staff contact: Myra Brouwer

**SNAPPER GROUPER**

✓ Mac Currin, Chairman  
✓ Mark Robson, Vice-Chair  
✓ Robert Boyles  
✓ Tom Burgess  
✓ Roy Crabtree  
✓ Brian Chevront  
✓ David Cupka  
✓ George Geiger  
✓ Duane Harris  
✓ Ben Hartig  
✓ Doug Haymans  
✓ Charlie Phillips  
✓ Tom Swatzel  
✓ Red Munden, Mid-Atlantic Council  
Staff contact: Rick DeVictor

**SOPPs**

Duane Harris, Chair  
David Cupka, Vice-Chair  
Brian Chevront  
George Geiger  
Doug Haymans  
Staff contact: Bob Mahood

**SPINY LOBSTER**

Mark Robson, Chair  
Roy Crabtree  
George Geiger  
Ben Hartig  
Rita Merritt  
Brian Sullivan  
Staff contact: Gregg Waugh

# South Atlantic Fishery Management Council Staff

## Executive Director

✓ Robert K. Mahood  
robert.mahood@safmc.net

## Deputy Executive Director

✓ Gregg T. Waugh  
gregg.waugh@safmc.net

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## Public Information Officer

✓ Kim Iverson  
kim.iverson@safmc.net

## Senior Fishery Biologist

✓ Roger Pugliese  
roger.pugliese@safmc.net

## Staff Economist

✓ Kathryn (Kate) Quigley  
kate.quigley@safmc.net

## Cultural Anthropologist

Open Position

## Environmental Impact Scientist

✓ Rick DeVictor  
richard.devictor@safmc.net

## Science and Statistics Program Manager

✓ John Carmichael  
john.carmichael@safmc.net

## Outreach Assistant

✓ Anna Martin  
anna.martin@safmc.net

## SEDAR Coordinators

✓ Julie Neer - julie.neer@safmc.net  
✓ Kari Fenske - kari.fenske@safmc.net

## Coral Reef Biologist

✓ Myra Brouwer  
myra.brouwer@safmc.net

## Administrative Officer

✓ Mike Collins  
mike.collins@safmc.net

## Financial Secretary

Debra Buscher  
deb.buscher@safmc.net

## Admin. Secretary /Travel Coordinator

Cindy Chaya  
cindy.chaya@safmc.net

## Purchasing/Adm. Assistant

✓ Julie O'Dell  
julie.odell@safmc.net

## SEDAR/ Staff Administrative Assistant

Rachael Lindsay  
rachael.lindsay@safmc.net

# PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

**Snapper Grouper Committee**  
**Charleston, SC**  
**Tuesday, September 14, 2010**

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Jimmy Hill SH SEA/4 Cape Canaveral Spring Co	(386) 547-1254	1258 John Anderson Dr. Oklawaha Beach, FL 32072
Sherril McCoy JAC FISHING LARRY JONES	321-960-1663 803 7675164	PO Box 269 Cape Canaveral, FL 32922 2325 Taylor Rd, Cape SC 29403
Robert W Moore	843-651-9698 843-450 2938	5455 Huntington Mark Rd MTS SC 29524
Davis Krebs AREA SEAFORDS	850 694 7779	P.O. Box 5401 Destin FL 32540
FARRISON Semitt, EDF	202 257 6094	hsemitt@edf.org
MATTHEW AMMONS COMM FISHERMAN	985-637-8787	3301 Bayshore Dr. Ravenhill, VA
Eileen Dougherty EDF	EDF	Charleston SC
Rita Herritt	910/256-3197	38 Pelican Dr, Wrightsville Beal, NC 28480

South Atlantic Fishery Management Council  
 4055 Faber Place Drive, Suite 201  
 North Charleston, SC 29405  
 843-571-4366 or Toll Free 866/SAFMC-10

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Snapper Grouper Committee  
Charleston, SC

Tuesday, September 14, 2010  
Wednesday 15

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Frank Bhum

Kenny Fee

Mike Merrifield

Megan Wisniewski

Tusley Johnson

Sara Brewer Pew

Holly Brims Pew

FRANK HELLES

JACK COX

912-622-5847

321-615-5228

843-574-8502

386-839-0948

910-685-5705

850-322-7845

CSA 813 286 8320

252-728-9548

907 W. Grand Ave. Oak Island

688 S Park Ave. Titusville 32796

100 Aquarium Wharf Chas 29401

P.O. Box 9351 Jacksonville, FL 32120-9351

Bohemia, NC 28422

Tallahassee FL

TRAMPA, FL

Morhead City NC

South Atlantic Fishery Management Council

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PHONE NUMBER

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CITY, STATE & ZIP

Michelle Numa EDF 919-923-0774 Sarasota FL 34232

Bill Koenig 305-619-0039 PO Box 50404 Manassas FL 33050

Dick Brawm 410-338-0012 US Marine/1st Lt, USMC

Kenny Makhelka 843-452-7352 OHS SC

Kelly Schrock/CAFT 252-995-4029 Fairfax, VA

Keda Danner 305-393-0934 Key Largo FL

Robert Gardin 912-390-4163 Fort Pierre FL

Ernest Muhammad

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<u>NAME &amp; ORGANIZATION</u>	<u>AREA CODE &amp; PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE &amp; ZIP</u>
William [unclear] O&O	843-834-6175	2789 [unclear] St [unclear] SC 29407
Kerry Marheka	843-462-7352	
Robert H. [unclear]	843-450-2728	8455 Huntingwood Rd Mt [unclear] 2954
Scott Whitaker	803-565-4164	
David McKenney	512-289-1917	Corporate Center @ AOL.com
Christopher C. [unclear]	843-543-3835	Seven Seas Sailing @ gmail.com
Harrison Setmitt, EDF	202 251 4294	hscemitt@edf.org
Jane Allison Deane	202 833 3200	wa dc 20036
Brock Anderson	321 536 0802	4320 Hoppershoe B.D. Mt. FL. 32953

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Eileen Doughty	EDF	Charleston, SC
Robert Pauli	RCF	Et. Preney, FL
Leda Dunmore	DEG	12eg Largo FL
Sera Drevensk	PEG	Bolivia, NC 28422
Holly Binn	PEG	Tallahassee, FL 32303
Ernest Muhammad		Fort. Johnson, Charleston
Erin D'Neat-Moore	(843) 344-5866	406 Birch St. Georgetown, SC 29440
Margaret Reichel	SC-DNR	
MARK BROWN	568 5944	Mount Pleasant SC 29406

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Kenny Fee	910-620-5847	907 W. Street for 29415
Mr. Ke Merrifield	321-615-5228	688 S. Park Ave Titusville FL 32796
Cape Canaveral Ship Sheeri McCoy	321-868-0504 321-960-1663	PO Box 269 Cape Canaveral, FL 32922
Jimmy Hill	(386) 547-1854	1858 Tallmanson Dr. OR FL 32172
Rusty Johnson DSE	386-239-0948	P.O. Box 9351 32120-9351
Michelle Owen EDF	919-923-0774	Sarasota FL
Joshua S. Giordano - S. Williams	843-247-5578	3267 Seaborn Dr Mt Pleasant, SC 29405
Fanek 13.com		
Megan Westmeyer	843-579-8522	100 Aquarium Wharf Char. 29401

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P.O. BOX/STREET  
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FERRAR HEINES GSAPF 1 813 286 8340

THURBURN, FL

Lobby Exhensha OC-8

St. Pet, FL

JAC FISHING <sup>AND</sup> TACKLES 803 762 5164

GARDEN CITY S.C.

Dave Allison Oceana 202-833-3900

Wt De 20036

Robert Carlin 772-370-4163

Fort Pierce FL.

Jeff Aiken 252-473-0304

Hatteras NC

Kelli Schoorcraft 252-995-4029

Frisco, NC

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Frank Blum, South Carolina Seafood Alliance	843-437-0008	Charleston, SC 29407 815 Seaworth Hwy Ste 207
Jimmy Hill	(386) 547-1254	1258 Johnson Dr. Arnold Beach FL 32116
Holly Bins, Pew	850-322-7845	2107 Mulberry Blvd Tallahassee, FL 32303
Sera Drexler, Pew	910-685-5705	Belivia, NC 28422
Dusty Olson, DIF	386-239-0948	P.O. Box 9351 Jacksonville, FL 32208-9351
Brook Anderson	321 536-0802	4320 Hoppershoe Rd. M/FI FL 322953
Bruce Keen - SA FMC	305-619-0059	Maitland, FL.
Lea Dunne	305-593-0934	
Vegan Westmeyer	843-579-8502	100 Aquilino Wharf Charleston SC 29401

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CITY, STATE & ZIP

FRANK HELLES

OSAFEE1 813 286 8390

TAMPA, FL

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